

February 25, 2020

Chairman Luke Clippinger
House Judiciary Committee
House Office Building, Room 101
6 Bladen Street
Annapolis MD, 21401

RE: SUPPORT of House Bill 0738
(Criminal Procedure – Medical Emergency - Immunity)

Dear Chairman Clippinger and House Judiciary Committee Members,

My name is Dr. Andrea Lopez, I am a medical anthropologist, public health researcher, and Assistant Professor in the Department of Anthropology at the University of Maryland, College Park. For the last two decades I have worked both in direct service and/or drug treatment programs as well as conducted numerous behavioral research studies with people who use drugs (PWUD).

I am also one of the Principal Investigators of a recent study, the Statewide Ethnographic Assessment of Drug Use and Services (SEADS). The SEADS Study investigated the experiences of people who use drugs and stakeholders across the state in order to understand drug use patterns, barriers/facilitators to services, and the potential to expand services in order to directly address negative health outcomes among PWUD in Maryland. SEADS is a robust dataset based on research with close to 500 people across the state and we have extensive findings related to people's experiences with overdose in Maryland.

Based on our data I am writing to express my strong support of HB0738 because:

- **While our existing legislation is an important component of our statewide overdose response plan, there are important gaps that need to be addressed so that its public health benefits are fully realized**
- **Strengthening our “Good Samaritan Law” through HB0738 will save lives in Maryland because it is more attentive to the complex realities of how people who use drugs experience stigma and criminalization at the time of an overdose**
- **People’s hesitance to engage with law enforcement is a barrier to public health best-practice. Addressing how a lack of trust in the existing law functions in relationship to the criminalization of drug use is essential for a comprehensive overdose response plan in Maryland.**

In 2018 (the most recent year for which we have complete data), 2406 people died from intoxication deaths in the state: 1888 from fentanyl, 379 from prescription opioids, and 830 from heroin. The State has invested critical resources in establishing overdose response programs in each County, but there remain key stumbling blocks with respect to whether people are willing to call 911 at the time of an overdose. **These stumbling blocks are primarily centered around a lack of trust in the existing law and fear of calling 911 or offering aid because it will subject**

them to arrest. HB0738 strengthens Maryland’s “Good Samaritan Law” and sends a message that, as a state, we value a public health approach that protects people who experience or witness overdoses to the fullest extent possible.

In our study, people who use drugs emphasized the need to build trust and transparency with respect to the law as well as engagement with police at the time of an overdose:

“I feel like if more people even knew about the law...because the first time I even heard about [it] was here [at community-based agency]. People are still going to be hesitant. It’s still scary to call the cops. It’s a scary thing, especially if you’re on drugs. Your experience...and sadly, the experience with cops around...is they’re just out to get you. They’re not there to help you. They’re out to get you. So, just calling the cops is just one thing you just never want to do here, no matter what. –33-year-old man

Other study participants linked questions about racial equity and police enforcement practices to the effectiveness of the “Good Samaritan Law.” This suggests that there is a community perception that the law might be differentially applied to communities of color and fuels fears among people of color who witness overdoses among friends or family:

“But you really think that they won’t try to do nothing to you if you’re using too? And you help them?...Man, these people will be trying to lock you up too. That’s the whole thing. You probably want to do right by somebody that’s out [overdosing], but then there’s so many other things that are going to come with that, play with it. Questions. Was you with him? You know?...I’m not saying I wouldn’t trust it. I don’t know to be honest....I mean I hate to see anybody fall short, you know? Nowadays, you’ve got to really watch yourself. To get involved in stuff like that especially a person like me and where I come from...They probably think I gave it to them. I don’t trust the police at all...You’ve got to watch yourself...when they stop you, you’ve got to be mindful of everything with these people today because they shoot you and everything. It happens everywhere.” – 63-year-old Black man

HB0738 further protects community members who experience or witness an overdose by aligning with public health best-practices. The bill expands immunities to criminal violation and clarifies that enforcement practices should not disrupt the response to an acute medical emergency.

Sincerely,



Andrea M. Lopez, PhD
lopez@umd.edu

(The views expressed in this testimony are my own and not that of the University of Maryland.)