



House Judiciary Committee

March 6, 2020

House Bill 1378

Criminal Law - Opioids - Distribution Causing Death of Minor

OPPOSE

NCADD-Maryland opposes House Bill 1378.

The crisis of opioid overdoses is one we know the entire community is affected by and is trying to respond to. NCADD-Maryland appreciates that the intent of the sponsor and supporters of this bill is to help address this serious problem. But this is a public health problem that requires a public health response. We also believe the approach proposed in HB 1378 will undermine the life-saving efforts of Maryland's Good Samaritan law. For too many decades we have tried to arrest and prosecute our way out of drug addiction. And we have failed.

Instead of creating more and longer criminal penalties, we need a bigger and stronger array of positive tools in our work to address substance use disorders, provide better interventions, and reduce the demand for opioids and other drugs. In recent years, Maryland has made progress with things like making the life-saving drug naloxone more available and creating a Prescription Drug Monitoring Program. There is also innovative programming at the local level through Opioid Interventions Teams, including:

- Safe Stations and the mobile crisis team in Anne Arundel County;
- Community Outreach Addiction Team (COAT) program in Wicomico County;
- Access Carroll-Integrated Behavioral Health, Substance Use Treatment, Resource Support, and Case Management in Carroll County; and
- Hospital emergency department overdose support services from Bon Secours Health System in Baltimore City.

Another positive step was the creation of the state's Good Samaritan law. **Our number one reason for opposing this proposal is because we believe it will unintentionally undermine the Good Samaritan law.** Even with the provision in this bill that would keep people immune from prosecution if they call for help, the family advocacy groups that NCADD-Maryland works with have made it clear that this kind of law will confuse the message they are desperately trying to get out into the community.

The message right now is clear: Don't run – call 911. With passage of this legislation, an asterisk would have to added: *But not if you were the one who bought the drugs that day.

(over)

We know the intent of this bill is to get to the higher level dealers. We know that in practice, this bill be used to pile on charges to put pressure on people who also have substance use disorders, and will in effect lead to longer sentences for those who really need help. While the overdose crisis pulls at our hearts and we instinctively want to lock up people who sell or share drugs with our children, policy makers like yourselves understand that we cannot arrest our way out of the disease of addiction. This is true about the overdose crisis as well.

NCADD-Maryland believes that additional charges and longer penalties attached to opioid overdose deaths will actually result in fewer people calling 911 in emergency situations. A public health crisis demands a public health response, not a proposal for enhanced criminal penalties. There is much we can do together to reduce opioid overdoses and deaths. This proposal will not accomplish that goal.

We ask for an unfavorable report on House Bill 337.

The Maryland Affiliate of the National Council on Alcoholism and Drug Dependence (NCADD-Maryland) is a statewide organization that works to influence public and private policies on addiction, treatment, and recovery, reduce the stigma associated with the disease, and improve the understanding of addictions and the recovery process. We advocate for and with individuals and families who are affected by alcoholism and drug addiction.