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TESTIMONY IN SUPPORT OF
House Bill 190 - Criminal Procedure - Medical Emergency - Immunity
Judiciary Committee - House of Delegates
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Thank you, Chair Clippinger, Vice Chair Moon, and committee members for your dedication to improving access to care and supporting recovery-focused approaches to behavioral health for all Marylanders. On Our Own of Maryland is a statewide behavioral health (BH) peer education and advocacy organization. Our network of 20+ affiliated peer-run Wellness & Recovery Centers located throughout the state offer comprehensive, voluntary recovery support services, free of charge, to community members with BH challenges, including substance use disorders (SUD). **We are writing to share our strong support of HB 190 to enhance Maryland's current Good Samaritan law in two critically important ways.**

Maryland's current "Good Samaritan" law is a life-saving measure that protects bystanders and individuals seeking medical emergency services due to drugs or alcohol, and is actively promoted through a State-sponsored public education campaign ("Don't run – call 911"). This law can and does prevent needless deaths from overdose, but it must be enhanced to be fully effective. Currently, the threat of arrest and incarceration remains a substantial deterrent from members of the public calling for help, especially because police and prosecutors continue to pursue charges for minor offenses not covered under the law.

House Bill 190 will enhance our existing law in two important ways:

1. Clarify that both the victim(s) and person(s) calling for assistance with a substance-related medical emergency are both provided the same immunity from arrest, charge, prosecution, or effect on parole and probation status.
2. Expand the offenses from which people are immune from to include:
 - a. (Currently Protected): Possession of a controlled dangerous substance
 - b. (Currently Protected): Possession or use of drug paraphernalia
 - c. (Currently Protected): Providing alcohol to minors
 - d. NEW: All misdemeanor offenses; and
 - e. NEW: Possession with intent to distribute (not "volume" or "kingpin" dealing)

A medical emergency resulting from substance use can be a powerful motivator and opportunity to start one's recovery journey, and Maryland's behavioral health system has many effective programs and services that help people connect to the services and support they need to heal and improve their lives. However, criminal charges create significant barriers (stigma, time in detention, required court appointments, money for fees, and overall complexity) that disrupt the time-sensitive and sometimes delicate processes of getting enrolled and maintaining participation in a recovery program.

Drug overdoses continue to be a serious public health challenge in Maryland. The number of opioid-related deaths increased by 20% between 2019 and 2020, and preliminary data indicates a continued increase in 2021. Expansion of the Good Samaritan will save lives, and help more people struggling with substance use to receive medical and behavioral health support, instead of further isolation, stress, and stigma through criminalization. **As an organization, we strongly urge the committee to vote in favor of this important bill.**