



HB 190 – Criminal Procedure – Medical Emergency - Immunity

Committee: Judiciary

Date: January 18, 2022

POSITION: Support

The Maryland Coalition of Families: Maryland Coalition of Families (MCF) helps families who care for someone with behavioral health needs. Using personal experience, our staff provide one-to-one peer support and navigation services to family members with a loved one with a mental health, substance use or gambling issue.

MCF strongly supports HB 190.

The COVID-19 Pandemic has severely negatively impacted Maryland's opioid crisis. Data shows that fatal overdoses by opioids increased during the first and second quarters of 2020 by 12% over the same period in 2019, and this increase was sustained in the first two quarters of 2021. People who have a substance use disorder have been especially hard hit by the pandemic – isolation, the disruption of support systems, and the restrictions in access to treatment have all contributed to increases in substance use and relapse. And even before COVID-19, Maryland was in the midst of an opioid epidemic.

For this reason Maryland must enact strong measures to continue to curb the number of overdose deaths. The state took steps in 2015 to encourage those who were observing a medical emergency related to the consumption of drugs or alcohol to call for help without fear of arrest or prosecution for:

- Possession of a controlled dangerous substance
- Possession or use of drug paraphernalia
- Providing alcohol to minors

HB 190 would continue this effort. In order to seek help for themselves, an individual who is experiencing a medical emergency related to the consumption of drugs or alcohol must feel free to seek out medical assistance (or have others seek medical assistance for them) without fear that they themselves will be prosecuted. Immunity must apply to both the observer and the person experiencing the medical emergency.

To further strengthen the Good Samaritan Law, HB 190 would prohibit prosecution for misdemeanor offenses and for possession with intent to distribute (but would not include volume dealing). This will further encourage people to reach out for assistance in the event of an overdose.

Along with our work in the areas of mental health and problem gambling, the Maryland Coalition of Families provides family peer support and navigation services to families that care for a loved one with a substance use problem. We have 19 substance use staff who cover the state, some of whom have lost a child or other loved one to an opioid overdose. Last year 51% of the families served by MCF's substance use staff had a loved one with an opioid use disorder. While all of the substance use families that we work with are desperate to get help for their loved one, the families who have a loved one with an opioid use disorder are especially frantic. They are facing a life or death situation on a daily basis. We would be grateful for whatever the Judiciary Committee can do to help these families, and passing HB 190 would be one positive step.

A part of MCF's mission is to educate the public about Maryland's Good Samaritan law. MCF's staff of some 60 Family Peer Support Specialists have as one of their responsibilities the distribution of informational materials regarding the Good Samaritan Law to all the families that they work with. In addition, our substance use staff offer trainings on the Good Samaritan Law to all sorts of groups, including schools, recovery residences, law enforcement, emergency responders, and community organizations. Should HB 190 pass, our staff would work diligently to ensure that changes to the existing Good Samaritan Law were rapidly and thoroughly communicated across Maryland in order to reduce opioid deaths.

We urge a favorable report on HB 190.

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