

House Bill 190 Criminal Procedure – Medical Emergency – Immunity

Judiciary Committee

January 18, 2021

Position: SUPPORT

The Mental Health Association of Maryland is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates, and concerned citizens for unified action in all aspects of mental health, mental illness, and substance use. We appreciate this opportunity to present testimony in support of House Bill 190.

Maryland's Good Samaritan law encourages people who witness an overdose to call 9-1-1 by providing immunity from arrest, charge, or prosecution for several minor drug and alcohol offenses if the related evidence was obtained solely as a result of the person's seeking, providing, or assisting with the provision of medical assistance. However, the effectiveness of this law is limited because the victim of the overdose may still be arrested, charged and prosecuted, which discourages some bystanders from seeking medical assistance. HB 190 extends Good Samaritan immunity to protect against such detention or prosecution.

The public health and safety threat from drug- and alcohol-related intoxication continues to grow. Americans are now more likely to die from opioid overdoses than car crashes.¹ Maryland has made progress in recent years to address this epidemic, but we are still in the midst of a crisis that is devastating families across the state. Over 2,500 Marylanders lost their lives to an opioid-related death in 2020.²

Maryland has battled a persistent overdose crisis since well before COVID-19, but pandemic-related stress, grief and despair have exacerbated these concerns. In the first six months of 2021, there were 1,358 unintentional intoxication fatalities involving all drugs and alcohol in Maryland, representing a 0.5 percent increase from the 1,351 such fatalities reported in the first half of 2020. Of these fatalities, 1,217 (or 89.6 percent) involved opioids.³

Maryland's Good Samaritan law is a critical component in our effort to combat this overdose crisis. Expanding the statute as outlined in HB 190 is a critical next step in this battle. For this reason, MHAMD supports HB 190 and urges a favorable report.

¹ <https://www.nsc.org/in-the-newsroom/for-the-first-time-were-more-likely-to-die-from-accidental-opioid-overdose-than-motor-vehicle-crash>

² Maryland Opioid Operational Command Center 2020 Annual Report.
https://health.maryland.gov/vsa/Documents/Overdose/Annual_2020_Drug_Intox_Report.pdf

³ Maryland Opioid Operational Command Center 2021 Second Quarter Report.
<https://beforeitstoolate.maryland.gov/wp-content/uploads/sites/34/2021/09/OOCC-Q2-2021-Quarterly-Report.pdf>

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