



January 18, 2022

**House Judiciary Committee**  
**TESTIMONY IN SUPPORT**  
*HB 190 Criminal Procedure-Medical Emergency-Immunity*

Behavioral Health System Baltimore (BHSB) a nonprofit organization that serves as the local behavioral health authority (LBHA) for Baltimore City. BHSB works to increase access to a full range of quality behavioral health (mental health and substance use) services and advocates for innovative approaches to prevention, early intervention, treatment and recovery for individuals, families, and communities. **Baltimore City represents nearly 35 percent of the public behavioral health system in Maryland, serving over 77,000 people with mental illness and substance use disorders (collectively referred to as “behavioral health”) annually.**

**Behavioral Health System Baltimore supports HB 190- Criminal Procedure-Medical Emergency-Immunity.** This bill alters a provision of law to specify that a person who is experiencing a medical emergency, after ingesting or using alcohol or drugs is immune from criminal arrest, charge, or prosecution if the evidence was obtained solely because of the person seeking or receiving medical assistance. In addition, it expands the offense that people are immune from to include all misdemeanor offenses and possession with intent to distribute as well as prohibits a person from being detained or prosecuted in connection with an outstanding warrant of another nonviolent crime if the only reason the police are involved is due to someone calling to save someone’s life.

In 2015, Maryland passed SB 654 also known as the Good Samaritan Law (GSL) to encourage people to call for help when someone is facing a medical emergency due to drugs or alcohol. The Maryland Good Samaritan Law extends immunity from low-level drug charges and/or parole violation to overdose victims of bystanders who call 911, or otherwise seek medical attention.

HB 190 would expand on 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 without fear that they themselves will be prosecuted. Immunity must apply to both the observer and the person experiencing the medical emergency.

BHSB conducted research on implementation of the Good Samaritan Law in Maryland and found overdose often occurs in the presence of one or more bystanders. Research found that many people are known to delay or refrain from calling 911 due to fear of arrest for drug or paraphernalia possession, homicide, outstanding warrants, and/or trespassing.<sup>1</sup> Many people also do not believe the GSL will protect them when responding to an overdose.

BHSB supports HB 190 because it provides the necessary clarifications to ensure that persons who are experiencing a medical emergency are covered under the Maryland Good Samaritan Law. It was the original intent of the law to provide immunity for persons providing assistance for someone who was

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<sup>1</sup> Latimore, A, Bergstein, R, *International Journal of Drug Policy*, “Caught with a body” yet protected by law? Calling 911 for opioid overdose in the context of the Good Samaritan Law, November 2017.

experiencing an overdose as well as the person experiencing the overdose. In addition, it is imperative that someone who witness an overdose are able to call 911 without fear of being arrested or charged. **As such, BHSB urges the House Judiciary Committee to support HB 190.**