

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Health and Government Operations Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 1071
Public Health – Substance-Related Disorder Services (Maryland
Patient Protection and Treatment Ethics Act)
DATE: February 18, 2020
(2/26)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 1071. This bill renames Subtitle 6 of the Health General Article as the “Maryland Patient Protection and Treatment Ethics Act.” The legislation also establishes several new sections of Subtitle 6 and includes various criminal and civil offenses.

The Judiciary opposes the mandatory minimum penalty provision in § 7.5-610(d)(2) of the bill because it takes away judicial discretion in imposing a judgment, and the Judiciary believes that it is important for judges to weigh the facts and circumstances for each case when deciding on an appropriate judgment.

Finally, the provisions in § 7.5-610 of the bill that allow for the awarding of costs for investigating and prosecuting a case are unusual and would be difficult to determine. This provision may also create confusion because of potential overlap with the earlier provisions in the bill on fines and restitution for violations.

cc. Hon. Jesse Pippy
Judicial Council
Legislative Committee
Kelley O’Connor