



February 25, 2020

**House Judiciary Committee
TESTIMONY IN SUPPORT OF HB 738**

Behavioral Health System Baltimore (BHSB) is a nonprofit organization responsible for managing Baltimore City's public behavioral health system—the system of care that addresses emotional health and well-being and provides services for individuals with substance use and mental health disorders. As such, BHSB serves as the local behavioral health authority (LBHA) for Baltimore City and works to increase access to a full range of quality behavioral health services and advocates for innovative approaches to prevention, early intervention, treatment and recovery to help build healthier individuals, stronger families and safer communities.

Behavioral Health System Baltimore supports HB 738- 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 Maryland, the total number of overdose deaths has risen steadily since 2010, mainly due to the increase in opioid-related deaths. Most of these fatalities are concentrated in Baltimore, Maryland's largest city. According to data released by the Maryland Department of Health, in the first quarter of 2019 the number of opioid-related deaths in Baltimore City increased slightly accounting for 44% of all Maryland overdose deaths

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.

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.¹ Many people also do not believe the GSL will protect them when responding to an overdose.

BHSB supports HB 738 because it provides a necessary technical clarification 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 experiencing an overdose as well as the person experiencing the overdose. **As such, BHSB urges the House Judiciary Committee to support HB 738.**

¹ 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.