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**TO:** The Honorable Melony Griffith, Chair  
Senate Finance Committee

**FROM:** Office of the Attorney General, Health Education and Advocacy Unit

**RE:** SB0618 – Public Health – Overdose and Infectious Disease Prevention  
Services Program: **Letter of Concern**

The Office of the Attorney General's Health Education and Advocacy Unit (HEAU) writes this letter of concern for Senate Bill 618. This bill would authorize community-based organizations, with approval from the Maryland Department of Health, to establish overdose and infectious disease prevention programs, for a four-year period, to provide a location for the use of pre-obtained drugs; offer sterile needles, supplies, and first-aid; develop and deliver relevant public health education on drug abuse and infectious disease prevention; and coordinate with and make referrals to other treatment programs.

The HEAU is sympathetic to the intent of the bill -- to reduce death rates and decrease disease transmission. The ongoing opioid epidemic in Maryland and around the country has led to the development of multiple approaches for harm reduction, including the introduction of bills such as this one, but legislation that includes locations for drug consumption have been largely unsuccessful.

Currently, Maryland has numerous efforts under way to address the opioid crisis. For example, the Maryland Department of Health Center for Harm Reduction Services provides grant support to projects that reduce substance-related morbidity and mortality. MDH also authorizes government agencies and community-based organizations as Overdose Response Programs, allowing them to provide overdose education and dispense naloxone to the community.

The concern we have is the provision in this bill that, as currently drafted, grants broad immunity from any penalty for involvement in the operation or participation in the

program. We think this immunity provision is too broad and could lead to consumer harm. As drafted, the provision could immunize employees from misconduct in the operation of the facility or acts of negligence such as the improper disposal of syringes or drugs. It could immunize health care providers and other critical social servants such as law enforcement officers from the performance of their duties while under the influence of drugs, and prohibit licensing boards and other regulatory boards from taking any appropriate disciplinary action against them for doing so. These results would be counter to public health and safety.

We encourage this Committee to strike or modify the immunity provisions before permitting SB618 to move forward.