



House Health & Government Operations Committee  
March 2, 2022

House Bill 786  
Health Records and Reporting of Overdoses  
Limitations on Use in Criminal Investigation or Prosecution  
Support

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*Amid the COVID-19 pandemic, the pre-existing opioid overdose death fatality crisis has worsened. In Maryland, the number of opioid-related deaths increased by 20% between 2019 and 2020, and preliminary data indicates a continued increase in 2021.*

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NCADD-Maryland supports House Bill 786 which will close a loophole to protect people who receive emergency medical services from having that fact used to conduct a criminal investigation.

When the General Assembly passed legislation in 2018 authorizing the reporting by emergency medical service providers and law enforcement officers who treat individuals experiencing a suspected or actual overdose, there was language in the law explicitly stating that the data cannot be used for criminal investigation. The recovery community and other advocates supported the bill, understanding the intent was to use the data for epidemiological analysis and guide efforts for education, outreach, and naloxone distribution.

We believe the legislative intent at the time was clear – the information would not be used for criminal investigation.

Unfortunately, much like what currently happens with Maryland's Good Samaritan law which is meant to encourage people to call for help when someone is overdosing and not feel at risk of arrest, law enforcement has found a loophole and is using the reporting of this data as a way to engage in criminal investigations. This loophole must be closed.

The mistrust people who use drugs have of police is real. The more that arrest and prosecution is seen as a higher priority than saving lives, the more people will not call for help when someone is experiencing an emergency, and the more people will die. We strongly urge a favorable report on HB 786 to close this loophole.

*The Maryland Affiliate of the National Council on Alcoholism and Drug Dependence (NCADD-Maryland) is a statewide organization that works to influence public and private policies on addiction, treatment, and recovery, reduce the stigma associated with the disease, and improve the understanding of addictions and the recovery process. We advocate for and with individuals and families who are affected by alcoholism and drug addiction.*