



February 23, 2022

The Honorable Will Smith
Chairman, Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, MD 21401

Senate Bill 568 (Health Records and Reporting of Overdoses - Limitations on Use in Criminal Investigation or Prosecution) - FAVORABLE WITH SPONSOR AMENDMENTS

Dear Chair Smith and Senate Judicial Proceedings Committee members,

Baltimore Harm Reduction Coalition (BHRC) is an advocacy organization that mobilizes community members for the health, dignity, and safety of people targeted by the war on drugs and anti-sex worker policies. As a certified Overdose Response Program, Naloxone distributor, and syringe service program, we have provided essential health care services across the state for years. To supplement the life-saving services provided by us and dozens of harm reduction programs across the state, BHRC strongly supports Senate Bill 568 (Health Records and Reporting of Overdoses - Limitations on Use in Criminal Investigation or Prosecution) with sponsor amendments.

SB568 is an essential fix to existing law that shields victims of drug overdoses from having their private medical information shared in the course of a criminal investigation. In 2018, Maryland enacted a law requiring EMS report overdose information to mapping applications, but banned the use of this mapping data in the course of a criminal investigation or prosecution. Despite the clear intent of the law, some law enforcement and prosecutors have interpreted this much more narrowly, and see this as only a ban on data obtained directly from the mapping application, and not a ban on the same data from separately maintained, emergency medical services records. This loophole undermines the intent of the initial law and perpetuates the culture of fear around reporting overdoses that already exists in communities across the state.

Laws exist across the world with the purpose of encouraging people to call for help when someone is facing a medical emergency due to drugs or alcohol, such as Maryland's Good Samaritan law. However, **we have heard from community members, naloxone trainees, and syringe service program participants time and again -- they will not call 911 if they believe police will arrest, harass, or harm them or those around them.** How can BHRC in good conscience insist our clients rely on these protections and call for help, knowing fully well that any information recovered by EMS can later be accessed by law enforcement and prosecutors to form an investigation? When the threat of criminal investigation has to be weighed with saving a life it is no surprise that Maryland continues to see increases in overdoses, reaching a staggering 2,799 fatalities in 2020.¹

¹Maryland Department of Health (Jan 2020). Unintentional Drug and Alcohol-Related Intoxication Deaths in Maryland Annual Report 2020.

In the midst of multiple public health crises, Marylanders deserve access to emergency medical services without the fear of their medical information being used against them or their peers. We ask that the Judicial Proceedings Committee give SB568 a favorable report with sponsor amendments.

For more information about Baltimore Harm Reduction Coalition or our position, please contact our Director of Mobilization, Rajani Gudlavalleti at rajani@baltimoreharmreduction.org