

230306-SB464-prison-time-fentanyl.pdf

Uploaded by: Christine Hunt

Position: FAV

Christine Hunt and Jay Crouthers
1014 Dockser Drive
Crownsville, MD 21032

March 6, 2023

Maryland General Assembly
Members of the Judicial Proceedings Committee
Annapolis, MD

RE: SB 464 – Criminal Law - Fentanyl and Fentanyl Analogues – Penalty

Dear Senators,

We support SB 464 and respectfully request that you vote for it.

Although we support an increase in prison time for offenders, we encourage exploring ways to curb or eliminate the desire for illicit drugs overall. Why do people turn to them?

It is a social issue, and simple psychology explains that when a person feels bad, all they want to do is feel good or numb their pain, which is why they turn to addictive substances.

Why do people feel bad? They have emotional baggage from childhood, and beyond. As adults the pressures of earning a decent income, paying for higher education, meeting societal obligations, relationship issues and more can weigh them down to the point where they want to escape.

Although traditional counseling and talk therapy have some benefit they take months or years to see results. There are more effective therapies available in the alternative medicine field that can alleviate the emotional distress of life's pressures. EFT (Emotional Freedom Techniques, also known as Tapping) is one of them, and gives emotional relief in a fraction of the time compared to conventional mental health therapy – as cited in over 275 clinical studies.

I encourage the Committee to keep this in mind relating to bills that have to do with mental health, drug and other programs that have roots in emotional health issues.

Sincerely,

Christine Hunt and Jay Crouthers

SB 464 Fentanyl.pdf

Uploaded by: Dana Schulze

Position: FAV

HB 464

I live in Anne Arundel County, hold a BS, MA in counseling and am a combat veteran. I support HB 464.

Fentanyl is the number one cause of death in for Americans age 18 to 45, according to Families Against Fentanyl. This is a crisis.

Marylanders can make a difference at the state level to stop this crisis.

“The internal U.S. distribution networks for fentanyl are the most essential component of the foreign cartels’ operations because, without them, there are no sales and no profits.” [Opinion | Time to Unleash an Extraordinary Weapon Against Fentanyl - POLITICO](#)

Recent research.

- Black Americans are more likely to die from fentanyl poisoning than any other racial demographic; although the total number of fentanyl deaths is highest among White people. The per capita rate of fentanyl deaths per 100,000 Black people reached 26.6 last year, compared to the 19.2 fentanyl deaths out of 100,000 White people.
- Fentanyl fatalities more than doubled in just two years, and more than tripled among Indigenous and Multiracial Americans. Since 2015, fentanyl deaths among Black and Indigenous communities increased 13x.
- Teen fentanyl deaths more than tripled since 2019, and increased more than five-fold among Black teens. Fentanyl is the number one cause of death among Multiracial and White Americans ages 18 to 45, and is the number two cause of death among Black and Indigenous Americans ages 18 to 45, surpassed only by homicide and liver disease respectively.

“In terms of loss of life and damage to the economy, illicit synthetic opioids have the effect of a slow-motion weapon of mass destruction in pill form.”

— Commission on Combating Synthetic Opioid Trafficking, "Final Report"

[Our Research — Families Against Fentanyl](#)

SB0464 3.7.2023 Testimony of D. Santini.pdf

Uploaded by: Debbie Santini

Position: FAV

Senate Bill 0464

Bill Title Criminal Law – Fentanyl and Fentanyl Analogues Penalty

Committees - Judicial Proceedings

Date March 7 2023 at 1:00pm

Position In Favor

Hello, my name is Debbie Santini and I am in favor of this Senate Bill #464 to increase incarceration time.

My son Jesse Byrd died of fentanyl poisoning on February 16th 2022 in Stella Recovery house here in Annapolis. 5 days after he entered Stella House and less than a month from his 27th birthday.

My son was in a car accident on December 21st 2011. He was taken to Shock Trauma and had emergency surgery for his injuries. He was given opioids after surgery. At no time during my son's hospital stay did any doctor or nurse ever say to me- Mom, this is what we're giving your child for pain; it's highly addictive and these are the signs you need to be aware of. I was not aware of the dangers of opioids at that time or fentanyl. I am now.

These are not your stereotypical street corner drug addicts dying that we are talking about here. We are ALL vulnerable to this drug! Babies are dying from it! Illicit Fentanyl is in every drug out there now. This is murder plain and simple. I believe fentanyl deaths need to be looked at as drug induced homicides and investigated as a crime. Fentanyl is a Weapon of Mass Destruction and should be declared as such! And with our open borders we will continue to bury more children and leave countless families devastated!

My child did not want to die! He was happy! He was looking forward to getting his life back on track. He even made a list of priorities he wanted to

work on but wasn't given the opportunity to accomplish because of fentanyl.

Jesse was a loving, precious young man with a beautiful smile. He is missed every single day by all those who love him. He saved the lives of 4 people that I'm aware of by using Narcan, including his brother's life. But no one saved him.

Fentanyl is game changer. It's changed my life and that of my family's forever. It killed my child!

In my former job I supported families like mine who had loved ones struggling with addiction. I now devote all my time to honoring my son's memory and helping to promote awareness not only of the dangers of fentanyl, but to advocate on much needed changes in how recovery houses are allowed to be run in the state of Maryland and letting families know they have a voice.

I believe fentanyl traffickers need to be put away for a lot longer but increasing the term of imprisonment from 10 to 20 years is start. It won't bring my child back to me but it may just save one of yours.

Thank you,

Debbie Santini
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NCADD-MD - 2023 SB 464 UNF - Fentanyl Penalty Incr

Uploaded by: Nancy Rosen-Cohen

Position: UNF



Senate Judicial Proceedings Committee

March 7, 2023

Senate Bill 464 - Criminal Law - Fentanyl and Fentanyl Analogues - Penalty

OPPOSE

NCADD-Maryland respectfully opposes the increased penalty proposed in Senate Bill 464. The crisis of opioid overdoses is one we know the entire community is affected by and is trying to respond to. NCADD-Maryland appreciates that the intent of the sponsor and supporters of this bill is to help address this serious problem. For too many decades we have tried to arrest and prosecute our way out of drug addiction. And we have failed.

Instead of creating more and longer criminal penalties, we need a bigger and stronger array of positive tools in our work to address substance use disorders, provide better interventions, and reduce the demand for opioids and other drugs. In recent years, Maryland has made progress with things like making the life-saving drug naloxone more available, expanding syringe services programs, and certifying peer recovery specialists.

Another positive step was the creation of the state's Good Samaritan law. Our number one reason for opposing this proposal is because we believe it will unintentionally undermine the Good Samaritan law. Because "distribution" could mean one person sharing the heroin they bought that day with their friend, this enhanced penalty will confuse the message in the community about the need to call for help if someone is experiencing an overdose.

The Good Samaritan message right now is clear: Don't run – call 911. With passage of this legislation, an asterisk would have to added: *But not if you were the one who bought the drugs that day.

There are additional policies and programming that this General Assembly should support, including:

- Passing legislation (again) to decriminalize the possession of drug paraphernalia (SB 762);
- Passing legislation to clarify that people experiencing an overdose will not have their probation or parole violated if someone calls 911 for help (SB 546); and
- Passing legislation to allow local communities to open Overdose Prevention Sites (SB 618).

(over)

We know the intent of this bill is to get to the higher level dealers. We know that in practice, this bill will be used to pile on charges to put pressure on people who also have substance use disorders, and will in effect lead to longer sentences for those who really need help. While the overdose crisis pulls at our hearts and we instinctively want to lock up people who sell or share drugs with our loved ones, policy makers like yourselves understand that we cannot arrest our way out of the disease of addiction. This is true about the overdose crisis as well.

NCADD-Maryland believes that additional charges and longer penalties attached to opioid overdose deaths will actually result in fewer people calling 911 in emergency situations. A public health crisis demands a public health response, not a proposal for enhanced criminal penalties. There is much we can do together to reduce opioid overdoses and deaths. This proposal will not accomplish that goal.

We ask for an unfavorable report on Senate Bill 464.

SB464_BHRC UNFV Criminal Law - Fentanyl and Fentan

Uploaded by: Rajani Gudlavalleti

Position: UNF



March 7, 2023

The Honorable William C. Smith, Jr.
Chairman, Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

Senate Bill 464 - Criminal Law - Fentanyl and Fentanyl Analogues - Penalty - UNFAVORABLE

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. BHRC opposes Senate Bill 464 - Criminal Law - Fentanyl and Fentanyl Analogues - Penalty, which would increase the maximum prison term for fentanyl distribution and manufacturing from 10 to 20 years.

As our community and loved ones continue to face a deadly overdose epidemic, increasing severity of incarceration—as SB464 proposes—will do nothing to save lives. During 2021, drug and alcohol related intoxication deaths in Maryland reached a staggering 2,824 fatalities.¹ Maryland legislators have taken laudable steps to reduce the devastation of the overdose crisis. The General Assembly has approved measures to expand access to the life-saving medication naloxone, increase behavioral health treatment, and establish syringe services programs throughout the state. These essential policies have increased opportunities for health and safety, but SB464 would be a drastic step back for Maryland.

BHRC opposes Senate Bill 464 because it would deepen the negative impacts on communities devastated by the drug war by increasing police interaction, arrest, and incarceration. The federal government has already continued to perpetuate the deadly drug war by instituting unnecessarily high maximum prison sentences for fentanyl possession, Maryland need not follow suit. The United States has had the highest levels of incarceration in the world for decades,² yet has also remained a global leader in overdose deaths.³ Under federal sentencing guidelines, a person convicted of certain possession charges related to fentanyl can already face a maximum of 40 years in prison.⁴ There is no exception for people with a criminal history clear of fentanyl possession or violent crimes, therefore creating another pathway for young, poor Black men

¹ Opioid Operational Command Center (2022). Maryland Overdose Dashboard.

² Peter Wagner and Wendy Sawyer, States of Incarceration: The Global Context 2018 (Northampton, MA: Prison Policy Institute, 2018), <https://perma.cc/MH72-JKX7>

³ Leonard D. Schaeffer Center for Health Policy and Economics. (2019). American Drug Overdose Death Rates the Highest Among Wealthy Nations <https://healthpolicy.usc.edu/article/american-drug-overdose-death-rates-the-highest-among-wealthy-nations/>

⁴ United States Sentencing Commission (2021). Fentanyl and Fentanyl Analogues: Federal Trends and Trafficking Patterns. https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2021/20210125_Fentanyl-Report.pdf

to lose their lives to incarceration across the country. Committing more of our resources to longer sentences for low-level sellers does not reduce the supply or demand for drugs.

Severe sentencing policy is grounded in the false promise that harsher penalties would deter or discourage the sale and use of drugs. And after decades of arresting and locking up people for selling, drug prices have plummeted further increasing accessibility.⁵ As the U.S. experienced with drug war policies of the 1970s and 1980s, by 1995, one in every three African American males aged 20 to 29 was either incarcerated or on probation. During this period, the overdose rate continued to skyrocket across the United States and particularly in Maryland. If Maryland doubles the potential sentence length for charges related to fentanyl possession, this will further marginalize communities who have been targeted by drug-related policing for decades.

As a leader in drug policy grounded in life-saving harm reduction practices, Maryland must accept that criminalization for drug-related charges has never and will never reduce the overdose rate. **We ask that the Senate Judicial Proceedings Committee give SB464 an unfavorable report.**

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

⁵ The Orange County Register. (January 2023). Harsher penalties for fentanyl will not save lives. <https://www.ocregister.com/2023/01/18/harsher-penalties-for-fentanyl-will-not-save-lives/?emci=a2c6e18f-6eab-ed11-994d-00224832eb73&emdi=269356a6-bbab-ed11-994d-00224832eb73&ceid=9301555>