

**23 - SB 532 Roy Rogers LOS Jones.pdf**

Uploaded by: Alvin Jones

Position: FAV



March 7, 2023

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

RE: Senate Bill 532 - Criminal Law – Overdosing in Public – Prohibition

Dear Chairman Smith and Committee Members:

My name is Al Jones and I am the Director of Operations for Roy Rogers Restaurants, a Maryland based hospitality company founded in 1980. We have 24 company restaurants, nineteen of which are located here in Maryland. Two of the Maryland locations, have significant crime and drug related issues in and around the restaurant.

One of the two is in my hometown of Hagerstown, MD across the street for the city police station. This area has always had an element of crime, but we were just outside the higher crime areas and the business, which opened in 1987, has been very successful. However, in the past five years, crime and drug related activity has increased significantly, resulting in reduction of evening sales and many incidents requiring the police. Out of all our restaurants, this location alone accounts for over 90% of all police calls company wide.

For security and safety reasons, two years ago, I spent \$1,500 installing locks on each of the restrooms of these two restaurants. Last year, despite the locks, the men's room at the Hagerstown location was the scene of two separate drug overdose incidents. Imagine escorting your young son or daughter to a locked restroom to find an unconscious drug user laying on the floor, with drugs and paraphernalia strewn on the floor.

In those two years, the Hagerstown City Police have been called to the restaurant multiple times for drug related incidents where the individual, clearly under the influence of drugs, was causing disruption in the dining room or actively using an illegal drug in my public restroom. We have even experienced one death in our restroom. Only one time has an individual been arrested for possession of drugs. Other times, these individuals were simply scolded, released and "advised to seek help". Of course, that never happens and so the illegal behavior continues in our community. Often, these individuals return the next day and created even more issues in the restaurant out of vengeance or retaliation. It is a dangerous and viscous circle, all because they were released. When I have complained to the police as to why these people are not arrested, I was told "because of the current laws, our hands are tied, there is nothing we can do, we have to release them". These dangerous incidents put the safety and well-being of my employees and guests at risk. It is only a matter of time until a guest or an employee is seriously hurt or worse.

The passage of Senate Bill 532 will give law enforcement officers the ability to take these individuals into custody so that they can get the proper services to recover from this life of drug abuse. Without this critical law enforcement tool, communities statewide will continue to be plagued with increasing crime and drug related issues.

Therefore, I respectfully request a favorable vote of Senate Bill 532.

Thank you,

Al Jones  
Director of Operations  
Roy Rogers Restaurants

**230306-SB532-OD-public-place.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 532 – Criminal Law-Overdosing in Public - Prohibition

Dear Senators,

We support SB 532 and respectfully request that you vote for it.

Sincerely,

Christine Hunt and Jay Crouthers

# **SB0532 Testimony - Joseph Fox.pdf**

Uploaded by: Joseph Fox

Position: FAV

Joseph Fox  
Hagerstown  
SB0532

**Testimony of Joseph Fox**  
**FAVof SB0532**  
**Criminal Law - Overdosing in Public - Prohibition**

Members of the Judiciary Committee, my name is Joseph Fox, and I support SB0532. I live at 914 Lanvale Street in Hagerstown and attend South Hagerstown High School. I also serve as Chair of the Hagerstown Youth Council although I am not testifying on their behalf.

I, like many people in Hagerstown and Washington County, am very aware of how the use of opioids and other drugs deeply affects our communities. When walking or driving around Hagerstown it is not uncommon to see someone on the street who has overdosed. And, it is common to see the same people as you've seen before. Time and time again, I have seen criminal punishments fail to move someone off of drugs. They pay their fine or serve their time and immediately are back to where they were. So it is finally time to ask "What are we doing to actually help these people?" And I, like many people in Hagerstown and Washington County, am very close with someone that has had their life completely changed through the use of these drugs. They had their entire life flipped upside down. The actions they did in their pursuit of drugs lost the trust of their family and friends. Their entire way of life was changed. But, through the support of family, they were encouraged to enter a substance abuse program where their life has been put back on track. It was only through these substance abuse programs that they found themselves living a sober life, not from criminal punishment. I've seen firsthand how these substance abuse treatment programs can help these people get back on their feet and become active members of the community once again. This is truly a piece of common-sense legislation that moves us one step forward to properly treating drug addiction in this state. Thank you for your consideration.

# **SB 532 Roy Rogers LOS Jones.pdf**

Uploaded by: Paul Corderman

Position: FAV



March 7, 2023

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

RE: Senate Bill 532 - Criminal Law – Overdosing in Public – Prohibition

Dear Chairman Smith and Committee Members:

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One of the two is in my hometown of Hagerstown, MD across the street for the city police station. This area has always had an element of crime, but we were just outside the higher crime areas and the business, which opened in 1987, has been very successful. However, in the past five years, crime and drug related activity has increased significantly, resulting in reduction of evening sales and many incidents requiring the police. Out of all our restaurants, this location alone accounts for over 90% of all police calls company wide.

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The passage of Senate Bill 532 will give law enforcement officers the ability to take these individuals into custody so that they can get the proper services to recover from this life of drug abuse. Without this critical law enforcement tool, communities statewide will continue to be plagued with increasing crime and drug related issues.

Therefore, I respectfully request a favorable vote of Senate Bill 532.

Thank you,

Al Jones  
Director of Operations  
Roy Rogers Restaurants



# **SB 532 Sen Corderman Testimony.pdf**

Uploaded by: Paul Corderman

Position: FAV

PAUL D. CORDERMAN  
*Legislative District 2*  
Frederick and Washington Counties

Budget and Taxation Committee

*Subcommittees*

Capital Budget

Education, Business and Administration



James Senate Office Building  
11 Bladen Street, Room 403  
Annapolis, Maryland 21401  
410-841-3903 · 301-858-3903  
800-492-7122 Ext. 3903  
Paul.Corderman@senate.state.md.us

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

March 7, 2023

Senate Judicial Proceedings Committee  
Chairman William Smith, Jr.  
Vice Chair Jeff Waldstreicher  
2 East  
Miller Senate Office Building  
Annapolis, MD 21401

**Testimony in Support of Senate Bill SB 532 – Criminal Law – Overdosing in Public - Prohibition**

Chairman Smith, Vice Chair Waldstreicher, & Members of the Judicial Proceedings Committee,

Thank you for the opportunity to present SB 532 before you today. Across our state, our communities continue to experience a high level of drug abuse. And while we have made a concentrated effort on substance abuse awareness and access to treatment, we continue to have individuals who have no interest in those aforementioned paths. These are the individuals that continue to overdose in our restaurants, public libraries, streets & sidewalks, etc. Often these same individuals are visited by our First Responders multiple times per day, and once assisted, a majority are simply released if they are not interested in obtaining further assistance. This legislation would provide an additional tool for our state to utilize in providing the next steps for individuals who have made the decision, often multiple times, to use drugs in public resulting in an overdose.

SB 532 would add public overdosing to the disturbing the peace ordinance, which currently carries a penalty of a \$500 fine and 60 days in jail. In doing so, this bill would include the option of the court system to refer the individual to a Drug Court or treatment facility based on the options within that jurisdiction, as opposed to incarceration. The goal of this bill is to connect substance addicted individuals to the services they need while, at the same time, relieve some of the pressure that is placed on our First Responders on a daily basis.

Thank you for your consideration and I respectfully ask for a favorable report on SB 532.

Sincerely,

A handwritten signature in blue ink, appearing to read "P.D. Corderman".

Paul D. Corderman  
District 2 – Washington & Frederick Counties

# **SB 532 Wash Co Sheriff's Office LOS.pdf**

Uploaded by: Paul Corderman

Position: FAV



**Sheriff Brian K. Albert**  
**Washington County**  
**Sheriff's Office**  
500 Western Maryland Parkway  
Hagerstown, MD 21740-5199

**Judicial Division: 240-313-2530**  
**Patrol Division: 240-313-2100**  
**Detention Division: 240-313-2133**

February 15, 2023

Senator William C. Smith, Jr.  
Senate Judicial Proceedings Committee  
2 East  
Miller Senate Office Building  
Annapolis, MD 21401

Delegate Luke Clippinger  
House Judiciary Committee  
Room 101  
House Office Building  
Annapolis, MD 21401

Re: Support for SB0532 / HB0667

Dear Senator Smith and Delegate Clippinger:

As Sheriff of Washington County, I am writing to express my support for Senate Bill 532 / House Bill 667, which would provide for referral to the Drug Court, or otherwise prosecution of persons who overdose in a public place. As you are well aware, abuse of opiates and other controlled substances has become a plague upon society across Maryland. Combatting this plague has proved stubbornly complicated, and it will obviously evade any single approach. However, SB0532/HB0667 provides one simple approach which may assist *some* addicted persons who are willing to avail themselves of treatment when they are coaxed to do so by judicial means.

For these reasons, I would urge a favorable report and passage of SB0532/HB0667.

Sincerely,

A handwritten signature in black ink that reads "Sheriff Brian K. Albert".

Brian K. Albert, Sheriff

**SB 532 Wash Co State's Attorney LOS.pdf**

Uploaded by: Paul Corderman

Position: FAV



Office of  
**STATE'S ATTORNEY FOR WASHINGTON COUNTY**

Washington County Office Building  
33 West Washington Street, Suite 302  
Hagerstown, Maryland 21740-4888

P: 240-313-2000 | F: 240-313-2001 | TDD: 711  
Email: [sao@washco-md.net](mailto:sao@washco-md.net)

Regina M. Cirincion  
*State's Attorney*

Kenneth J. Shapiro  
*Deputy State's Attorney*

Sarah M. Mollett-Gaumer  
*Deputy State's Attorney*

February 16, 2023

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

The Honorable Luke Clippinger, Chair  
Judiciary Committee  
Room 101  
House Office Building  
Annapolis, Maryland 21401

Dear Chairman Smith & Chairman Clippinger,

I am writing in full support of both Senate Bill 532/House Bill 667 – Criminal Law – Overdosing in Public – Prohibition. As the State's Attorney for Washington County, it is my responsibility to protect and serve the residents of Washington County by representing their best interests in court. I strongly believe SB 532/HB 667 will benefit our county's residents as it will create a safer and more secure community.

Thank you for your consideration, and I therefore strongly recommend a favorable report on SB 532/HB 667.

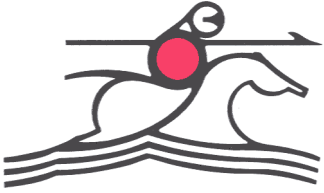
Very truly yours,

Regina M. Cirincion  
State's Attorney for  
Washington County, Maryland  
[gcirincion@washco-md.net](mailto:gcirincion@washco-md.net)

# **SB 532 Wright Gardner Insurance LOS.pdf**

Uploaded by: Paul Corderman

Position: FAV



## WRIGHT-GARDNER INSURANCE

100 West Antietam Street  
301.733.1234 800.733.1236

Hagerstown, Maryland 21740  
FAX 301.733.5821

[www.wrightgardner.com](http://www.wrightgardner.com)

February 21, 2023

The Honorable Delegate Brooke Grossman  
Maryland District 2B  
House Building Room 306  
Annapolis, MD

Re: House Bill 0667 & Senate Bill 0532

Dear Delegate Grossman & the members of the House Judiciary Committee,

As a longtime business situated in downtown Hagerstown for more than 100 years, I am write to you today to speak in favor of the above referenced bills.

On many occasions, we have witnessed firsthand the horrors of persons overdosing in public areas surrounding our business. While we recognize this is a public crisis, we also understand there are actions you can take to prevent this from occurring in our streets and public areas, ultimately affecting our ability to properly serve clients who may otherwise feel threatened or uncomfortable visiting our office.

In addition, we have suffered property damage caused by individuals abusing illegal drugs. For example, several months ago a homeless person (who we understand was under the influence of illegal drugs) camped out in a port-o-potty next to our building that one of our contractors installed during the replacement of our roof. In the middle of the night, the person started a fire in the port-o-potty to keep warm which then set the entire port-o-potty on fire, charring our building and cracking several large windows.

There are more instances I can provide but suffice it to say I trust you will use your powers to address these issues.

Should you have any questions or need additional information, please feel free to contact me on my mobile at 301-991-1529.

All my best,

*Christian*

F. Christian Wright, IV, CIC, CRM  
President



**SB 532 - SWA - MPS WPS.pdf**

Uploaded by: Thomas Tompsett

Position: FWA



March 5, 2023

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

RE: Oppose – Senate Bill 532: Criminal Law – Overdosing in Public – Prohibition

Dear Chairman Smith and Honorable Members of the Committee:

The Maryland Psychiatric Society (MPS) and the Washington Psychiatric Society (WPS) are state medical organizations whose physician members specialize in diagnosing, treating, and preventing mental illnesses, including substance use disorders. Formed more than sixty-five years ago to support the needs of psychiatrists and their patients, both organizations work to ensure available, accessible, and comprehensive quality mental health resources for all Maryland citizens; and strive through public education to dispel the stigma and discrimination of those suffering from a mental illness. As the district branches of the American Psychiatric Association covering the state of Maryland, MPS and WPS represent over 1000 psychiatrists and physicians currently in psychiatric training.

Overdosing on drugs or other substances is a serious health issue that can be fatal if not treated promptly and properly. Punishing individuals suffering from addiction or experiencing an overdose with criminal charges or jail time is inappropriate. Instead, law enforcement and the court system should focus on providing individuals who overdose in public with immediate medical attention and follow-up support to address the underlying issues that led to the overdose in the first place. This can involve administering medication to reverse the effects of the overdose, providing counseling and other forms of treatment to address addiction, and connecting individuals with social services and support networks.

Senate Bill 532: Criminal Law - Overdosing in Public – Prohibition (SB 532) partially gets to that end by allowing a court to sentence a criminal defendant who overdoses in public to drug court or treatment. However, SB 532 still exposes individuals who overdose in public to arrest, jail time, and a permanent criminal record.

MPS/WPS believe it is important to approach these situations with empathy and a focus on getting those individuals the help they need rather than punishing them for their actions. Laws and policies prioritizing treatment and support over punishment and incarceration are more effective in addressing addiction and reducing overdose deaths. Thus, MPS/WPS believe that overdosing in public should result in mandatory drug court or substance abuse treatment without the blemish of a criminal record and therefore asks for the following amendments:



## **AMENDMENT 1**

On page 3, line 26, strike “OR” and insert “,”, and in the same line after “FINE,” insert “**OR A GUILTY FINDING,**”.

On page 3, line 27, strike “MAY” and substitute “**SHALL**”.

MPS/WPS, therefore, ask this honorable committee to adopt the amendments mentioned above and then give SB 532 a favorable report. If you have any questions with regard to this testimony, please feel free to contact Thomas Tompsett Jr. at [tommy.tompsett@mdlobbyist.com](mailto:tommy.tompsett@mdlobbyist.com).

Respectfully submitted,  
The Maryland Psychiatric Society and the Washington Psychiatric Society  
Legislative Action Committee

**SB 532\_Maryland Coalition of Families\_Unfav.pdf**

Uploaded by: Ann Geddes

Position: UNF



## **SB 532 – Criminal Law – Overdosing in Public - Prohibition**

**Committee: Judicial Proceedings**

**Date: March 7, 2023**

**POSITION: Unfavorable**

**The Maryland Coalition of Families:** Maryland Coalition of Families (MCF) helps families who care for a loved one with behavioral health needs. Using personal experience, our staff provide one-to-one peer support and navigation services to family members with a child, youth or adult with a mental health, substance use or gambling challenge.

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MCF opposes SB 532.

Over the last decade, the state has been moving from trying to deter drug use with threats of jail time and fines, to connecting drug users to resources. SB 532 is a backward step in the wrong direction.

An individual known to us who is in recovery from an opioid addiction relates the story of using heroin (in Kensington, Philadelphia) and then going out into the street so that he would be found if he overdosed. This is a good, not a bad thing. If those addicted to opioids felt that they would be arrested for overdosing in public, they would be much less likely to undertake such a life-saving measure. More deaths would occur. The provision in the bill that an individual could choose to go to drug treatment instead of jail would matter little to people addicted to opioids. The bill would have the chilling effect of increasing Maryland's overdose deaths. For these reasons we urge a unfavorable report on SB 532.

**Contact: Ann Geddes**  
**Director of Public Policy**  
**The Maryland Coalition of Families**  
**8950 State Route 108, Suite 223**  
**Columbia, Maryland 21045**  
**Phone: 443-926-3396**  
[ageddes@mdcoalition.org](mailto:ageddes@mdcoalition.org)

# **MVLS HTPP - SB 532 Overdosing in Public - Prohibit**

Uploaded by: CHERYL COUNTESS

Position: UNF



**JUSTICE FOR ALL**

MARYLAND SENATE JUDICIAL PROCEEDINGS COMMITTEE  
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE  
IN OPPOSITION TO SENATE BILL 532: CRIMINAL LAW –  
OVERDOSING IN PUBLIC - PROHIBITION

March 7, 2023

Susan Francis  
EXECUTIVE DIRECTOR

**BOARD OF DIRECTORS**

Alexandria K. Montanio  
PRESIDENT

David G. Sommer  
VICE PRESIDENT

Penny J. Minna  
TREASURER

James Tansey  
SECRETARY

Chair Smith, and distinguished members of the Committee, thank you for the opportunity to testify in opposition to Senate Bill 532.

I am Heather Heiman, the Project Manager for the Human Trafficking Prevention Project at Maryland Volunteer Lawyers Service (MVLS). MVLS is the oldest and largest pro bono civil legal service provider to low-income Marylanders. Since MVLS' founding in 1981, our statewide panel of over 1,700 volunteers has provided free legal services to over 100,000 Marylanders in various civil legal matters. In FY22, MVLS volunteers and staff lawyers provided legal services to 7,652 people across the State.

In fiscal year 2017, MVLS started the Human Trafficking Prevention Project (HTPP), a co-grant project through the Governor's Office of Crime, Control, and Prevention with the University of Baltimore School of Law Human Trafficking Prevention Project Legal Clinic. The HTPP at MVLS is a pro bono project that provides post-conviction relief such as expungement, shielding, and vacatur, as well as assistance with consumer, housing, and family law matters to those who meet the legal definition of a victim of human trafficking, and others who are at high risk for exploitation. Since its inception, the HTPP at MVLS has served over 200 clients, many of whom have a history of substance use and addiction. For the reasons explained below, MVLS respectfully requests that the Committee returns an unfavorable report on SB 532.

Senate Bill 532 prohibits a person from overdosing in a public place, including, parks, parking areas, streets, or businesses, subjecting them to a misdemeanor conviction, 60 days imprisonment, or a fine not exceeding \$500. Alternatively, those violating this proposed law may be referred to drug court or a local substance abuse treatment program. MVLS strongly opposes SB 532 because it will disproportionately impact people experiencing poverty, Black and Brown communities, and survivors of human trafficking, and others who may use substances as a coping mechanism for trauma.. It will also complicate help-seeking and medical response in situations where a person has overdosed, and impose a criminal record on vulnerable individuals, further impacting their ability to seek treatment, secure safe housing, or find stable employment.

Senate Bill 532 contradicts everything we learned from the failed "War on Drugs." Excessive criminalization of addiction has done nothing to reduce the drug trade or the consumption of illicit substances. Instead, it has overflowed our prisons and rendered entire communities, primarily Black and Brown and poor communities, unemployable due to the collateral consequences of criminal convictions, despite drug use being just as common, if not more so, among those of economic privilege.

**With SB 532, Maryland would be taking a significant step backward by criminalizing overdosing in public, primarily impacting those experiencing homelessness or engaging in street-based survival.**

Moreover, SB 532 is also in direct opposition to Maryland's Good Samaritan Law (Md. Ann. Code Art. § CR 1-210), which the General Assembly passed to provide immunity to:

“A person who, in good faith, seeks, provides, or assists with the provision of medical assistance for a person reasonably believed to be experiencing a medical emergency after ingesting or using alcohol or drugs”

The Good Samaritan Law encourages people to provide or summon aid during a drug or alcohol emergency, which prevents overdose deaths. Any new or increased penalties for someone involved in a drug-related emergency undermines the spirit of the Good Samaritan Law.

Furthermore, this legislation will only *increase* the harms that the most vulnerable people using drugs face by introducing another route toward arrest, incarceration, and the collateral consequences of a criminal record.

While collateral consequences apply to all people with a criminal record, these effects disproportionately impact survivors of human trafficking, given that substance use is both a common predictor of *and* a reaction to this horrific crime. Many trafficking survivors reported self-medicating to cope with past trauma and were trafficked directly due to this addiction. Individuals who have survived a trafficking experience often begin using substances to cope with what has happened to them. These survivors are at increased risk of overdose-related death if they or the people around them do not feel comfortable calling for help when a drug-related emergency arises, or if they anticipate that there will be a punitive law enforcement response as opposed to emergency medical treatment. Additionally, individuals arrested as a direct result of their substance use will then find themselves put at heightened risk of re-exploitation because of the barriers criminal records present when one is seeking safe housing or gainful employment.

**We cannot arrest our way out of Maryland's drug crisis.**

While SB 532 seeks to mitigate its harm by allowing those arrested for public overdoses to be "sentenced" to drug court or a local drug treatment program, this protection only exists on paper. In reality, SB 532 would worsen outcomes for the most vulnerable people who use drugs, including survivors of human trafficking. We cannot afford to take such a huge step backward when we are finally beginning to see evidence that a public health response to this crisis is far more helpful than a harmful punitive response that has thoroughly failed its stated intention.

For these reasons, MVLS opposes Senate Bill 532. We respectfully request an unfavorable report.



**SB 0532\_FAV\_ACLUMD\_Carroll Final[6].pdf**

Uploaded by: Daraja Carroll

Position: UNF



## Testimony for the Judicial Proceedings Committee

March 7, 2022

DARAJA CARROLL  
PUBLIC POLICY  
LEGAL ASSISTANT

### SB 532 – Criminal Law – Overdosing in Public -- Prohibition

#### UNFAVORABLE

AMERICAN CIVIL  
LIBERTIES UNION  
OF MARYLAND

3600 CLIPPER MILL  
ROAD  
SUITE 350  
BALTIMORE, MD 21211  
T/410-889-8555  
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND  
DIRECTORS  
HOMAYRA ZIAD  
PRESIDENT

DANA VICKERS  
SHELLEY  
EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL

The ACLU of Maryland urges an unfavorable report on SB 532, which would criminalize overdosing in public and authorize the court to refer someone who overdoses in certain public places to drug court or substance abuse treatment rather than imposing a term of imprisonment or a fine.

In Maryland, Black people make up only 30% of the general population, but over 70% of the incarcerated population.<sup>1</sup> Overdosing is often an involuntary act. Criminalizing overdosing will not help prevent or reduce overdoses, it will instead funnel people into the criminal legal system and further harm and have a disproportionate impact on Black people.

In 2015, Maryland passed a Good Samaritan Law<sup>2</sup> protecting people assisting in good faith in an emergency overdose situation from arrest for certain crimes. The law was passed to encourage any person experiencing a medical emergency caused by ingestion or use of drugs to seek medical assistance without fear of arrest or prosecution. SB 532 undermines this by criminalizing overdoses in public despite many overdoses being involuntary. Put simply, Maryland's Good Samaritan Law, like similar laws<sup>3</sup> across the nation, encourages individuals to get help during an overdose while SB 532 criminalizes overdosing in public.

For these reasons, the ACLU of Maryland urges an unfavorable report of SB 532.

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<sup>1</sup> Vera Institute, *Incarceration Trends in Maryland*, <https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-maryland.pdf> (last visited March 4, 2023).

<sup>2</sup> SB0654, <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0654/?ys=2015rs>.

<sup>3</sup> Lieberman & Davis, *Legal Interventions to Reduce Overdose Mortality: Overdose Good Samaritan Laws*, Aug. 18, 2021, <https://www.networkforphl.org/resources/legal-interventions-to-reduce-overdose-mortality-overdose-good-samaritan-laws/#:~:text=Opioid%20overdose%20is%20reversible%20through,percent%20reduction%20in%20overdose%20deaths>.

# **SB 532 Overdosing in Public MOPD Oppose.pdf**

Uploaded by: Elizabeth Hilliard

Position: UNF



**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
CHIEF OF EXTERNAL AFFAIRS

**ELIZABETH HILLIARD**  
ACTING DIRECTOR OF GOVERNMENT RELATIONS

## **POSITION ON PROPOSED LEGISLATION**

**BILL: SB 532 Criminal Law - Overdosing in Public - Prohibition**

**FROM: Maryland Office of the Public Defender**

**POSITION: Unfavorable**

**DATE: 2/20/2023**

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on Senate Bill 532.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on Senate Bill 532.**

This proposed legislation is criminalizing the act of overdosing in public. The criminalization of an act that occurs without intent or control from an individual who may or may not be an addict is overreaching and punitive. Moreover, creating a law that criminalizes overdosing will create an introduction of more individuals to the already burdened criminal justice system. Overdosing is a medical term and creates a medical emergency. This begs the question of who is determining that the individual is overdosing? Is it an officer arriving on the scene? Is it the determination of the paramedic or the doctor at the hospital?

Drug addiction is a very complex issue and overdosing is a serious matter and it is best addressed by medical professionals. It is also not uncommon for an individual to overdose and not be a drug addict. The reality is an individual may experiment with drugs or abuse drugs unaware that the drugs are laced with other unknown substances. The reason why an individual overdoses encompasses more than just what can be observed on the surface level, therefore, authorizing a court to refer an individual to drug court or substance abuse treatment without discussion with the individual or absent any in depth analysis of the individuals' circumstances results in a coerced plan of action.

Furthermore, drug courts have procedures and protocols and they are not a court that can accept individuals without the consent of the individual. This proposed legislation appears to give an individual an option to either accept drug court or substance abuse rather than a punitive penalty, however, drug court and substance abuse programs can be punitive in nature if 1) the individual is not an addict; 2) the individual is already in a program and has relapsed (therefore, no need for court involvement) and 3) the individual wants to have a trial and wants to challenge the allegation, however, they are forced to drug court to avoid a conviction.

Ultimately, this proposed legislation will not stop overdosing and criminalizing overdosing forces individuals into a criminal justice system instead of keeping it a medical issue.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on Senate Bill 532.**

---

**Submitted by: Maryland Office of the Public Defender, Government Relations Division.**

**Authored by: Cindy Najhram, Esq.**

**Supervising Attorney for the Specialty Courts and Jury Trial Unit**

**Office of the Public Defender, Prince George's County, Maryland**

**[cindy.najhram@maryland.gov](mailto:cindy.najhram@maryland.gov)**

# **SB0532 Overdosing in Public - OPPOSE.pdf**

Uploaded by: Emily Allen

Position: UNF

**Senate Bill 532 Criminal Law – Overdosing in Public - Prohibition**

Senate Judicial Proceedings Committee

March 7, 2023

**Position: OPPOSE**

The Mental Health Association of Maryland is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates and concerned citizens for unified action in all aspects of mental health, mental illness and substance use. We appreciate this opportunity to present testimony in strong opposition of Senate Bill 532.

SB 532 criminalizes overdosing in public places with a maximum of 60 days in jail, a fine of up to \$500 or both, with the option, not requirement, of a referral to drug court or a substance abuse treatment program. It categorizes overdosing in public as a misdemeanor offense.

The passage of SB 532 would set back years of both harm reduction and stigma reduction efforts aimed at reducing overdoses in Maryland. Data has long showed that increased incarceration and criminal justice involvement do not translate into reduced drug use, arrests, or overdose deaths.<sup>1</sup> Incarceration contributes to tolerance loss, limited access to Medication-Assisted Treatment and Naloxone, and disruptions to health care and social supports.<sup>2</sup>

A multitude of factors contribute to the complex public health emergency that is the opioid overdose crisis, one of which is access to care. In 17 of Maryland's counties, the ratio of population to mental health providers comes in below the national average of 350:1, with many of those providers not providing substance use care. In Maryland's Eastern Shore, Queen Anne's County ratio is 840:1, and Caroline County is 2,230:1. In Western Maryland, Garrett County's ratio is 610:1.<sup>3</sup> Additionally, substance use care providers do not universally accept all insurances, or patients without insurance, further reducing access to care. Referrals to substance uses care can only be utilized if the resources exist.

Beyond the immediate impact of involvement in the criminal justice system following a major health event, SB 532 would have a negative long-term impact on individuals who have just experienced an overdose. With a misdemeanor on record, individuals risk losing access to employment opportunities, college admissions, rental apartments, and more due to a misdemeanor showing on a background check. It increases risks for individuals who are legally residing in the United States but have not yet gained citizenship. It penalizes a person who has just been through a traumatic experience, and excessively impacts them for years to come.

*For more information, please contact Emily Brandon at (443) 901-1588*

SB 532 allows significantly more harm to be caused to individuals who have experienced an overdose in the immediate aftermath and in the years following. It increases the impact of stigma towards substance use disorders, does not take into account the availability of care, was not designed with evidence-based practices in mind. For these reasons, MHAMD opposes SB 532 and urges an unfavorable report.

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<sup>1</sup><https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2018/03/more-imprisonment-does-not-reduce-state-drug-problems>

<sup>2</sup><https://www.vera.org/publications/overdose-deaths-and-jail-incarceration/national-trends-and-racial-disparities>

<sup>3</sup><https://www.countyhealthrankings.org/>



# **HPP Testimony SB 532- UNF.pdf**

Uploaded by: Jessica Emerson

Position: UNF

## Testimony of the Human Trafficking Prevention Project

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**BILL NO:** Senate Bill 532  
**TITLE:** Criminal Law – Overdosing in Public – Prohibition  
**COMMITTEE:** Judicial Proceedings  
**HEARING DATE:** March 7, 2023  
**POSITION:** **OPPOSE**

Senate Bill 532 would prohibit a person from overdosing in a public place, subjecting them to a misdemeanor conviction, 60 days imprisonment, or a fine not exceeding \$500. In the alternative, those found in violation of this proposed law may be referred to drug court or a local substance abuse treatment program. **The Human Trafficking Prevention Project strongly opposes this bill because it will disproportionately impact people experiencing poverty, Black and Brown communities, and survivors of human trafficking.**

SB 532 runs contrary to everything we have learned from the failed “War on Drugs.” Excessive criminalization of addiction has done nothing to reduce the drug trade, nor the consumption of illicit substances. Instead, it has overflowed our prisons and rendered entire communities, primarily those that are Black, Brown, and/or poor, utterly unemployable due to the collateral consequences of criminal convictions, despite the fact that drug use is just as common, if not more so, among those of economic privilege. Now, with SB 532, Maryland would be taking a significant step backwards by criminalizing overdosing in public, which will primarily impact people experiencing homelessness and/or who are engaging in street-based survival.

SB 532 is also in direct opposition to Maryland’s Good Samaritan law, which was passed by the General Assembly with the intent to relieve an individual’s hesitation to call for help during a medical emergency, including those that are drug-related. The spirit of the Good Samaritan law is undermined by any new or increased penalties for someone involved in a drug-related emergency. When people are confused about their rights or fear that their actions may result in a friend or loved one’s arrest, they may hesitate to contact authorities in the midst of a life-or-death situation.

Furthermore, this legislation will only serve to *increase* the harms that the most vulnerable people using drugs face by introducing yet another route towards arrest, incarceration, and the collateral consequences of a criminal record. While collateral consequences apply to all people with a criminal record, these effects disproportionately impact survivors of human trafficking, given that substance use is both a common predictor of, *and* a reaction to, this horrific crime. Many trafficking survivors report self-medicating to cope with past trauma and were trafficked as a direct result of this addiction, while those who have survived a trafficking experience often begin using substances as a means to cope with what has happened to them. These survivors are put at increased risk of overdose-related death if they or the people around them do not feel comfortable calling for help when a drug-related emergency arises. Additionally, those individuals who are arrested as a direct result of their use or the life-saving act of another will then find themselves put at heightened risk of re-exploitation because of the difficulty those with criminal records so commonly face in obtaining safe housing or gainful employment.

We simply cannot arrest our way out of Maryland's drug crisis. While SB 532 does indeed seek to mitigate its own harm by allowing those arrested for public overdoses to be "sentenced" to drug court or a local drug treatment program, this protection only exists on paper. In reality, SB 532 would worsen outcomes for the most vulnerable people who use drugs, including survivors of human trafficking. We cannot afford to take such a huge step backwards when we are finally beginning to see evidence that a public health response to this crisis is far more helpful than the harmful punitive response that has thoroughly failed its stated intentio. **For these reasons, the Human Trafficking Prevention Project opposes Senate Bill 532, and we respectfully request an unfavorable report.**

*For more information, please contact:  
Jessica Emerson, LMSW, Esq.  
Director, Human Trafficking Prevention Project  
(E): [jemerson@ubalt.edu](mailto:jemerson@ubalt.edu)*

**SB0532.pdf**

Uploaded by: Jonathan Dayton

Position: UNF



## **Statement of Maryland Rural Health Association (MRHA)**

To the Senate Judicial Proceedings Committee

Chair: Senator William Smith

March 7, 2023

***Senate Bill 532: Criminal Law - Overdosing in Public - Prohibition***

### **POSITION: OPPOSITION**

Chair Smith, Vice Chair Waldstreicher and members of the Committee, the Maryland Rural Health Association (MRHA) is in OPPOSITION of Senate Bill 532, Criminal Law - Overdosing in Public - Prohibition.

MRHA believes that substance use disorders and addiction are behavioral health conditions, and not the result of moral failings. Criminalizing overdosing in public is harmful because most overdoses are unintentional.<sup>1</sup> Moreover, an individual overdosing in a private residence might not have anyone there to assist in an emergency, which would increase overdose deaths. Homeless individuals who use drugs only have access to public spaces, and this bill would place an unnecessary and harmful burden on an already burdened population.

The compulsory treatment that this bill imposes for those who are found to have overdosed in public is additionally problematic. There is little evidence suggesting that compulsory substance use treatment is effective. Most studies report no difference between the rates of relapse compared to the control treatment.<sup>2</sup>

Banning overdoses in public will not reduce overdoses or overdose deaths. True prevention, as outlined by the US Department of Health and Human Services Overdose Prevention Strategy, would include increasing access to Naloxone and fentanyl test strips, increasing the availability of medication-assisted treatment, and creating safe injection sites.<sup>3</sup> This bill does none of those things, and serves only to further stigmatize marginalized individuals and push individuals away from seeking treatment or emergency services they might need. To preserve the fundamental human right of health, we urge you to oppose SB 532.

*Sincerely,*

*Jonathan Dayton, MS, NREMT, CNE, Executive Director*

[jdayton@mdruralhealth.org](mailto:jdayton@mdruralhealth.org)

1. Olfson M, Rossen LM, Wall MM, Houry D, Blanco C. Trends in Intentional and Unintentional Opioid Overdose Deaths in the United States, 2000-2017. *JAMA*. 2019;322(23):2340–2342. doi:10.1001/jama.2019.16566
2. Werb D, Kamarulzaman A, Meacham MC, et al. The effectiveness of compulsory drug treatment: A systematic review. *Int J Drug Policy*. 2016;28:1-9. doi:10.1016/j.drugpo.2015.12.005
3. Harm reduction. Overdose Prevention Strategy. <https://www.hhs.gov/overdose-prevention/harm-reduction>. Published November 29, 2022. Accessed February 20, 2023.

**sb532.pdf**

Uploaded by: Matthew Pipkin

Position: UNF

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Matthew J. Fader  
Chief Justice

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 532  
Criminal Law – Overdosing in Public - Prohibition  
**DATE:** February 8, 2023  
(3/7)  
**POSITION:** Oppose

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The Maryland Judiciary opposes Senate Bill 532.

The bill appears to criminalize substance use disorder (in contrast with possession of a controlled dangerous substance) by mandating 60 days in jail and/or \$500 fine for overdosing in locations defined as public places. Our communities have recently embraced a more therapeutic/sensitive approach to substance use disorder, including but not limited to making Narcan available to address the health crisis of overdose deaths. This appears to contradict that therapeutic approach and will possibly impact those who wish to render aid to individuals who are overdosing in a public place since this appears to directly contradict the “Good Samaritan” Law.

Additionally, courts already refer individuals to drug court or substance use treatment in lieu of jail time on a variety of cases.

Finally, the bill does not address situations where a jurisdiction has a drug court program but the defendant does not qualify for the program. In such situations, courts would be unable to refer the defendant to a substance abuse treatment program.

cc. Hon. Paul Corderman  
Judicial Council  
Legislative Committee  
Kelley O’Connor

# **NCADD-MD - 2023 SB 532 UNF - Criminalizing Overdos**

Uploaded by: Nancy Rosen-Cohen

Position: UNF





**Senate Judicial Proceedings Committee**

**March 7, 2023**

**Senate Bill 532 - Criminal Law - Overdosing in Public – Prohibition**

**OPPOSE**

While NCADD-Maryland shares in the frustration and desperation of families trying to get their loved ones into care, and of communities ravaged by the opioid overdose crisis, we oppose the criminalization of this health problem as proposed in Senate Bill 532.

In Maryland, and throughout the country, we have learned over the last several decades that the war on drugs has not resulted in fewer people using drugs, but instead, a criminalization of people with a chronic disease. We have seen a disproportionate number of Black and Brown people incarcerated despite equal rates of drug use compared to white people. And the collateral consequences of arrest and incarceration have contributed to a second class citizenry that this Committee has tried to mitigate piece by piece over the years.

One of the cornerstones of the Maryland General Assembly's approach to reducing the criminal justice response to this public health problem is the Good Samaritan law. Too many people die of overdoses alone in abandoned buildings, frat house basements, and front steps to their own houses because the people they are with are so scared about getting arrested that they leave people – even their friends – who too often die. Maryland's law makes it safe for people to call for help and get help, and not fear arrest as a result. This law simply saves lives.

Senate Bill 532 will undermine the Good Samaritan law. While the intent of the bill is clearly to get people into treatment, this approach will drive people into less public places and deter others from calling for help.

In addition, this bill also suggests that forcing people into treatment will work. Unfortunately, research that shows involuntary treatment for people with substance use disorders is not effective.<sup>1 2</sup> In fact, research shows a higher rate of overdose among those leaving forced treatment.<sup>3 4</sup> This is not to say that treatment through Drug Courts does not work, but it does not work for everyone. This kind of "coerced treatment" still allows an individual with a substance use disorder to refuse treatment and choose to deal with the consequences instead. This bill as written could result in jail for the person who survived an overdose.

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<sup>1</sup> Sinha, Michael S., et al., "Neither Ethical nor Effective: The False Promise of Involuntary Commitment to Address the Overdose Crisis" (Journal of Law, Medicine, and Ethics, 2020).

<sup>2</sup> Opsal, Anne, et al., "Readiness to Change among Involuntarily and Voluntarily Admitted Patients with Substance Use Disorders" (Substance Abuse Treatment, Prevention, & Policy, 2019).

<sup>3</sup> Raufful, Claudia, et al. "Increased Non-Fatal Overdose Risk Associated with Involuntary Drug Treatment in a Longitudinal Study with People who Inject Drugs" (Addiction—Society for the Study of Addiction, 2018).

<sup>4</sup> Bazazi, Alexander R., "Unpacking Involuntary Interventions for People who Use Drugs" (Addiction, 2018).

Maryland needs to continue down the path of implementing strategies that are proven to be successful. We believe the following things are needed:

- Investment of resources to increase and sustain an adequate workforce that includes certified peer recovery specialists who can provide a public health intervention when someone survives an overdose;
- Enactment of various harm reduction strategies, including the creation of Overdose Prevention Sites;
- Additional funding to support a full continuum of treatment services throughout the state; and
- Investment in a recovery-oriented system of care. Addiction is not an acute illness that is solved in one or two treatment episodes. It is a chronic disease characterized by relapse that requires a lifetime of support.

We urge this Committee to not turn back the clock toward criminalizing substance use disorders, and give Senate Bill 532 an unfavorable report.

**SB0532-JPR-OPP.pdf**

Uploaded by: Nina Themelis

Position: UNF



BRANDON M. SCOTT  
MAYOR

Office of Government Relations  
88 State Circle  
Annapolis, Maryland 21401

**SB0532**

March 7, 2023

**TO:** Members of the Judicial Proceedings Committee

**FROM:** Nina Themelis, Interim Director of Mayor's Office of Government Relations

**RE:** Senate Bill 532 – Criminal Law – Overdosing in Public – Prohibition

**POSITION: Oppose**

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **opposes** Senate Bill (SB) 532.

SB 532 will prohibit a person from overdosing in certain public places or on a public conveyance. A person who violates this law will be subject to imprisonment and/or a fine. A court may refer a person who violates this law to drug court or a substance abuse treatment program in lieu of imprisonment and/or a fine. The BCA firmly believes that overdose and addiction should be treated as chronic diseases and not a crime. Imprisonment does not deter drug use or overdose as a result of drug use – rather, it would create additional obstacles to overcoming addiction.<sup>1,2</sup> Forced drug rehabilitation does not guarantee success in overcoming addiction, and in some instances can increase an individual's chances of experiencing an overdose.<sup>2</sup>

Drug addiction and overdose should be treated as a chronic disease, not one that can be cured with a few weeks of intensive treatment. When someone starts taking a drug or substance, their body will build up a tolerance, which will lead to the person ingesting a larger quantity of drugs to avoid experiencing withdrawal symptoms.<sup>3</sup> In most cases, drug overdoses are unintentional, with some drugs being mixed with fentanyl or another drug that can lead to an overdose.<sup>4</sup>

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<sup>1</sup> The Pew Charitable Trusts. (March 2018). *More Imprisonment Does Not Reduce State Drug Problems: Data show no relationship between prison terms and drug misuse* [Issue Brief]. [https://www.pewtrusts.org/-/media/assets/2018/03/pspp\\_more\\_imprisonment\\_does\\_not\\_reduce\\_state\\_drug\\_problems.pdf](https://www.pewtrusts.org/-/media/assets/2018/03/pspp_more_imprisonment_does_not_reduce_state_drug_problems.pdf)

<sup>2</sup> The Massachusetts Department of Public Health. (2016). *An Assessment of Opioid Related Deaths in Massachusetts (2013-2014)*. <https://www.mass.gov/files/documents/2016/09/pg/chapter-55-report.pdf>

<sup>3</sup> Mission Harbor Behavioral Health. (n.d.). *Legal and Illegal Drug Overdose: Guide to Signs, Symptoms, and Help*. <https://sbtreatment.com/overdose/>

<sup>4</sup> Drug Enforcement Administration (DEA). (November 2021). *How Do Drug Overdoses Happen? Get Smart About Drugs*. Retrieved from <https://www.getsmartaboutdrugs.gov/consequences/how-drug-overdoses-happen>

Studies have shown that imprisonment does not deter individuals from using drugs that can result in an overdose.<sup>1</sup> Imprisonment for drug-related charges has contributed to the mass incarceration problem in the United States, burdened people with criminal records that make it difficult to gain employment and has had uneven success in helping people overcome substance abuse disorders.

Researchers found that drug courts, designed to reduce incarceration and provide necessary treatment, struggle to meet medical and human rights standards.<sup>5</sup> Few communities have adequate treatment facilities, insurance plans often will not finance effective treatment programs, and the criminal justice objectives of drug courts often overrule the medical needs of the patient in ways that threaten the rights and health of participants.<sup>5</sup> Furthermore, a 2016 report by the Massachusetts Department of Public Health found that people who were involuntarily committed were more than twice as likely to die of an opioid-related overdose than those who chose to go into treatment on their own.<sup>2</sup>

For these reasons, the BCA respectfully requests an **unfavorable** report on SB 532. The BCA believes this legislation will negatively impact individuals battling drug addiction. Criminalizing health risks associated with a complex disease like addiction undermines the work that our state has done over nearly a decade. Thus, we urge this committee to report on SB 532 unfavorably and prevent this population from being further stigmatized.

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<sup>5</sup> Executive Summary on Drug Courts in the United States. (June 2017). Physicians for Human Rights. Retrieved from [https://phr.org/wp-content/uploads/2017/06/phr\\_drugcourts\\_executivesummary.pdf](https://phr.org/wp-content/uploads/2017/06/phr_drugcourts_executivesummary.pdf)

**SB532\_OPPOSE\_BHRC\_Overdosing in Public.pdf**

Uploaded by: Owen O'Keefe

Position: UNF



March 7, 2023

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

**Senate Bill 532 Criminal Law - Overdosing in Public - Prohibition - 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. To protect the program participants served by us and dozens of other harm reduction programs across the state, BHRC strongly opposes Senate Bill 532 (Criminal Law - Overdosing in Public - Prohibition).

Our state is facing an increasingly deadly overdose epidemic. During 2021, drug and alcohol related intoxication deaths in Maryland reached a staggering 2,824 fatalities.<sup>1</sup> Maryland legislators have taken laudable steps to reduce the devastation of the overdose crisis, such as expanding access to the life-saving medication naloxone, increasing behavioral health treatment, and establishing syringe services programs throughout the state. While these essential policies have increased opportunities for wellness, our state must continue to look for new ways to reduce overdose risk and move people into spaces of safety and stabilization. We hope that is the intent of this bill. However, we disagree that criminalizing people for overdosing in public will achieve that.

The theory that people who use drugs need to be arrested in order to begin treatment is incredibly misguided and results in disproportionately negative outcomes for Black people and poor people. To those who are unfamiliar with them, drug courts sound like an improvement, but in reality they rely on, and give rationalization for, mass arrests of people who use drugs. The people who are most likely to be arrested for overdosing in public are poor people facing housing insecurity who do not have an alternative place to use. Drug court requires participants to attend regular court hearings, maintain a daily curfew, participate in mandatory treatment and undergo frequent drug testing. This poses massive barriers for poor people without stable housing and access to transportation, increasing the likelihood they will “fail” and be incarcerated. Even though it is widely understood that relapse is a common part of recovery, the drug court model equates relapse with criminal recidivism.

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<sup>1</sup>Opioid Operational Command Center (2022). Maryland Overdose Dashboard.

Evidence has shown that when there is less fear of punishment or arrest by police, individuals feel safer accessing treatment.<sup>2</sup> In a recent literature review of involuntary treatment, five of the nine studies analyzed found no significant reduction in drug use or criminal recidivism among people who were mandated to attend treatment, while two found it actually worsened those measures.<sup>3</sup> In an assessment of opioid-related fatalities, the Commonwealth of Massachusetts discovered that people who received voluntary treatment had much better outcomes than those who received mandated treatment. **People who received mandated drug treatment were more than twice as likely to die of an opioid-related overdose than those with a history of voluntary treatment and no history of mandated treatment.**<sup>4</sup>

SB532 will push the most vulnerable people who use drugs in our state further into the margins. It will encourage people to hide their drug use as much as possible, and perpetuate cycles of poverty and incarceration for those who don't have access to safe spaces to use drugs. This bill will undermine Maryland's efforts to encourage people to call for help at the scene of an overdose via the Good Samaritan law. More of our loved ones and community members will die if we pass this legislation. **For these reasons, we urge the Senate Judicial Proceedings Committee to give SB532 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](mailto:rajani@baltimoreharmreduction.org)

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<sup>2</sup> Laura VeARRIER, "The Value of Harm Reduction for Injection Drug Use: A Clinical and Public Health Ethics Analysis," *Disease-a-Month* 65, no. 5 (May 2019), pp. 119–41, available at <https://doi.org/10.1016/j.disamonth.2018.12.002>.

<sup>3</sup> Werb D, Kamarulzaman A, Meacham MC, et al. The effectiveness of compulsory drug treatment: A systematic review. *Int J Drug Policy*. 2016;28:1-9. doi:10.1016/j.drugpo.2015.12.005

<sup>4</sup> Massachusetts Department of Public Health. *Assessment of Massachusetts Opioid-Related Deaths: Preliminary Findings*. 2016. <https://d279m997dpfwgl.cloudfront.net/wp/2016/08/DPH-Legislative-Report-Ch.-55-Status-Report.pdf>



# **Overdosing in Public - SB532.pdf**

Uploaded by: Psalms Rojas

Position: UNF



**TESTIMONY IN OPPOSITION OF SB532**  
**Criminal Law – Overdosing in Public - Prohibition**

March 7, 2023

Senator William C. Smith  
2 East  
Miller Senate Office Building  
Annapolis, MD 21401

**Testimony of Marian House in Opposition of SB532**

**Dear Chair Smith, Vice-Chair Waldstreicher,  
and members of the Judicial Proceedings Committee,**

Marian House is a holistic, healing community for women and their children who are in need of housing and support services. Marian House provides comprehensive support services to assist women with experiences of trauma, including poverty, substance abuse, and incarceration. **I write to urge you to OPPOSE SB532, Criminal Law – Overdosing in Public – Prohibition.**

Over forty years ago, Marian House was opened to provide reentry supports for women leaving incarceration as Sisters and laywomen recognized that lack of support contributed to recidivism rates. Today, we have also expanded to serve women with histories of trauma including homelessness, incarceration, neglect, substance abuse and mental health needs. Since our opening, we have assisted women who have been victims of crime in reinventing and rebuilding themselves through services such as: counseling, substance abuse treatment, job training and providing both long and short-term housing. All the women we have served have overcome obstacles on their journeys to become contributing members of society in the Baltimore area.

Research has shown over and over again that criminalization of drugs does not work to help save or improve the lives of people who use drugs. In fact, arrests for all drug-related crimes have little to no impact on the distribution of drugs in our communities and there is no evidence that things will be different with this continued approach.

Criminalizing overdoses is not drug prevention, it is a continued manifestation of the stigma surrounding substance use that continues to prevent individuals from getting the help they need. While we understand that SB532 allows a court to refer an individual to drug court or substance abuse treatment, the option remains that they would be criminalized if they do not choose treatment or drug court. We oppose the possibility of individuals being criminalized for a disease. They need help and not with the force or fear of imprisonment. **SB532 is not the way forward and we urgently request your OPPOSITION of this bill.**

Thank you for your support,

Katie Allston, LCSW-C  
President and C.E.O.

**SB 532\_Overdosing in Public\_BHSB\_UNFAVORABLE.pdf**

Uploaded by: Stacey Jefferson

Position: UNF



March 6, 2023

**Senate Judicial Proceedings Committee**  
**TESTIMONY IN OPPOSITION**  
*SB 532- Criminal Law- Overdosing in Public- Prohibition*

Behavioral Health System Baltimore (BHSB) is a nonprofit organization that serves as the local behavioral health authority (LBHA) for Baltimore City. BHSB works to increase access to a full range of quality behavioral health (mental health and substance use) services and advocates for innovative approaches to prevention, early intervention, treatment and recovery for individuals, families, and communities. **Baltimore City represents nearly 35 percent of the public behavioral health system in Maryland, serving over 78,000 people with mental illness and substance use disorders (collectively referred to as “behavioral health”) annually.**

**Behavioral Health System Baltimore opposes SB 532- Criminal Law- Overdosing in Public- Prohibition.** This bill prohibits an individual from overdosing in a public place. It authorizes the court to refer a person who overdoses in public to drug court or substance abuse treatment rather than imposing a term of imprisonment not exceeding 60 days or a fine not exceeding \$500 or both.

BHSB opposes SB 532 because it is the wrong approach to addressing Maryland’s opioid overdose epidemic. This bill will discourage people from seeking help during an overdose. Evidence has shown that when there is less fear of punishment or arrest by police, individuals feel safer accessing treatment.<sup>1</sup> A more effective approach is policies that provide better on demand access to treatment and support services.

We must explore other avenues to engage people in treatment services. There is growing evidence that peer recovery advocates are highly effective at supporting people experiencing behavioral health crisis or who have experienced an overdose. In Baltimore City, peers follow up with individuals who have experienced an overdose to help them access treatment and support services. Evidence has shown that following up within 24-48 hours after an overdose is an opportune time to engage an individual into treatment. There are opportunities to infuse more peer support positions throughout the crisis response system and this service should be utilized more broadly.

SB 532 will continue the years of policy that have criminalized persons with substance use disorder particularly in black and brown communities instead of connecting them to the care and services they need to recover and lead productive, healthy lives. As such, **BHSB urges the Senate Judicial Proceedings Committee to oppose SB 532 and continue to focus efforts to expand harm reduction services and better on demand access to treatment for people with substance use disorders.**

Contact:

Stacey Jefferson  
Director, Policy, and Stakeholder Engagement  
Stacey.jefferson@bhsbaltimore.org /443-813-9231

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<sup>1</sup> Laura Vearrier, “The Value of Harm Reduction for Injection Drug Use: A Clinical and Public Health Ethics Analysis,” *Disease-a-Month* 65, no. 5 (May 2019), pp. 119–41, available at <https://doi.org/10.1016/j.disamonth.2018.12.002>.

**21c - X - SB 532 - OCCC - LOO.docx.pdf**

Uploaded by: State of Maryland

Position: UNF



## OPIOID OPERATIONAL COMMAND CENTER

Wes Moore, Governor · Aruna Miller, Lt. Governor · Emily Keller, Special Secretary of Opioid Response

March 7, 2023

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

### **RE: Senate Bill 532 – Criminal Law – Overdosing in Public – Prohibition – Letter of Opposition**

Dear Chair Smith and Committee Members:

The Opioid Operational Command Center (OCCC) respectfully submits this letter of opposition for Senate Bill (SB 532) – Criminal Law – Overdosing in Public – Prohibition. This bill criminalizes the experience of an overdose medical emergency in a public setting, imposing fines and proposing diversion alternatives.

By authorizing legal action against a person who experiences an overdose, SB 532 contradicts the Good Samaritan Law (Annotated Code of Maryland, Criminal Procedure §1-210), which protects individuals experiencing or responding to an overdose from criminal and civil liability. The intent of the Good Samaritan Law is to encourage individuals to call 911 when they witness or respond to an overdose. The threat of arrest at or after a medical emergency has been shown to deter people from seeking help, which could lead to greater loss of life to drug overdoses in Maryland.<sup>1,2</sup>

If you would like to discuss this further, please do not hesitate to contact Teresa Heath, OCCC Deputy Director at [teresa.heath@maryland.gov](mailto:teresa.heath@maryland.gov) or (443) 381-9289.

Sincerely,

Emily Keller  
Special Secretary of Opioid Response

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<sup>1</sup> <https://doi.org/10.1016/j.drugpo.2021.103426>

<sup>2</sup> <https://doi.org/10.1080/08897077.2017.1387213>

**21a - X - SB 532 - JPR - MDH - LOO.pdf**

Uploaded by: State of Maryland (MD)

Position: UNF



## DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

March 7, 2023

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

### **RE: SB 532– Criminal Law - Overdosing in Public - Prohibition – Letter of Opposition**

Dear Chair Smith and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of opposition for Senate Bill (SB) 532 – Criminal Law - Overdosing in Public - Prohibition. SB 532 prohibits a person from overdosing in a public place or on a public conveyance. A person who violates this provision can be subject to fines, a misdemeanor charge, or proposed diversion alternatives. Specifically, upon conviction, a court may refer the individual to drug court or substance abuse treatment program.

This bill will criminalize the act of experiencing an overdose in public which could deter individuals from seeking help in a medical emergency. Moreover, this bill is in direct conflict with the intent behind Maryland’s Good Samaritan Law. In 2014, as a result of an increase of individuals experiencing an opioid overdose, Maryland’s Good Samaritan Law was implemented to protect any individual who “seeks, provides, or assists with the provision of medical assistance as the result of a person ingesting or using alcohol or drugs.”<sup>1</sup> The law protects individuals from criminal arrest, charge or prosecution where the evidence was obtained solely because of the act of seeking medical assistance.

If you would like to discuss this further, please do not hesitate to contact Megan Peters, Acting Director of Governmental Affairs at [megan.peters@maryland.gov](mailto:megan.peters@maryland.gov) or (410) 260-3190.

Sincerely,

Laura Herrera Scott, M.D., M.P.H.  
Secretary

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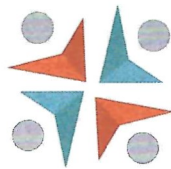
<sup>1</sup> Md. Criminal Procedure Code Ann. § 1-210



# **SB0532 - Criminal Law - Overdosing in Public - Pro**

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**WASHINGTON COUNTY  
FREE LIBRARY**

*Where People & Possibilities Meet*

**Judicial Proceedings**

**SB0532 – Criminal Law – Overdosing in Public - Prohibition**

**March 7, 2023**

**Informational Only**

Dear Chair Smith, Vice Chair Waldstriecher and Committee members:

As the Executive Director of the Washington County Free Library, a major downtown Hagerstown anchor, I have witnessed the direct impact of active addiction on our patrons and staff at our central location. While we have a positive relationship with the City Police, who employ Law Enforcement Assisted Diversion (LEAD) tactics and provide compassionate response to those experiencing crisis, as well as the Washington County Health Department and local case management firms, we recognize the need for additional support for those with mental health disorders, including active addiction.

Despite our community's efforts to prevent overdose with pre-arrest diversion and other tools, public overdoses still occur. In 2022, Washington County Free Library personnel were involved in no fewer than seven overdoses in or around our property, causing significant distress for the public and our staff, who often are the first to find individuals experiencing an overdose and call emergency services.

While I cannot speak to the effectiveness of individual fines or imprisonment versus appearing in drug court or a substance abuse program after an overdose, I can affirm that public overdoses are a regular occurrence in our city. They are a significant source of distress for public workers, such as library staff, and contribute to burnout in the library industry.

I urge the committee to consider all options for addressing this issue, for the sake of those in crisis and addiction, as well as those in public professions like the library industry.

Respectfully,

Jenny L. Bakos  
Executive Director  
Washington County Free Library

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**2023 SESSION  
POSITION PAPER**

**BILL:** SB 532 – Criminal Law – Overdosing in Public - Prohibition

**COMMITTEE:** Senate Judicial Proceedings Committee

**POSITION:** Letter of Information

**BILL ANALYSIS:** SB 532 prohibits individuals from overdosing in public places and public means of transportation. Any individual who violates this bill will be guilty of a misdemeanor and subject to a maximum of 60 days imprisonment and/or \$500. In lieu of imprisonment or a fine, a court may refer an individual to drug court or a substance abuse treatment program.

**POSITION RATIONALE:** The Maryland Association of County Health Officers (MACHO) provides a letter of information for SB 532. SB 532 intends to prevent drug overdoses. As public health professionals we have concern that more people struggling drug misuse will be entangled in the criminal justice system. Drug misuse and resulting overdoses should always be treated as a health condition, not criminal behavior. We understand the sponsor's desire to get more people into treatment, but turning these individuals into criminals is not a desired means of accomplishing this goal.

The criminalization of overdosing in a public location may also disincentive individuals in crisis from seeking life-saving help. Drug and alcohol overdoses are serious medical conditions. Maryland experienced 2,799 unintentional overdose deaths in 2020, over 7 deaths per day.<sup>1</sup> 90% of these deaths were opioid-related.<sup>1</sup> Opioid-related overdoses are reversible with the rapid administration of Naloxone medication. Akin to heart attacks and strokes, overdoses require immediate medical attention to prevent fatalities and long-term health impacts. Community members experiencing an overdose should seek help immediately,<sup>2</sup> including leaving private dwellings for public areas to get medical attention.

As a result of this bill, individuals who experience or witness an overdose medical emergency may delay calling EMS for fear of legal repercussions.<sup>3</sup> Maryland's Good Samaritan Law (Md. Code, Crim. Proc. § 1-210) reduces this barrier. The law protects people who are seeking overdose emergency medical assistance for themselves or others from arrest and prosecution. These protections are associated with a 15% reduction in overdose deaths.<sup>4</sup> HB 667 conflicts with these protections.

For these reasons, the Maryland Association of County Health Officers submits this letter of information for SB 532. For more information, please contact Ruth Maiorana, MACHO Executive Director at [рмаioral@jhu.edu](mailto:рмаioral@jhu.edu) or 410-937-1433.

<sup>1</sup> Maryland Department of Health. "Unintentional Drug-and-Alcohol-Related Intoxication Deaths in Maryland, 2020." Available from [https://health.maryland.gov/vsa/Documents/Overdose/Annual\\_2020\\_Drug\\_Intox\\_Report.pdf](https://health.maryland.gov/vsa/Documents/Overdose/Annual_2020_Drug_Intox_Report.pdf)  
<sup>2</sup> Substance Abuse and Mental Health Services Administration (SAMHSA). "Opioid Overdose." Available from <https://www.samhsa.gov/medications-substance-use-disorders/medications-counseling-related-conditions/opioid-overdose>  
<sup>3</sup> Wagner, Karla D et al. "Post-overdose interventions triggered by calling 911: Centering the perspectives of people who use drugs (PWUDs)." *PloS One* 14, no 10 (2019): e0223823  
<sup>4</sup> McClellan, Chandler et al. "Opioid-overdose laws association with opioid use and overdose mortality." *Addictive Behaviors* vol. 86 (2018).