

SB 546_Maryland Coalition of Families_Fav.pdf

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Position: FAV



SB 546 – Criminal Procedure – Medical Emergency - Immunity

Committee: Judicial Proceedings

Date: March 8, 2023

POSITION: Support

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

MCF strongly supports SB 546.

People who have a substance use disorder have been especially hard hit by the COVID pandemic – isolation, the disruption of support systems, and the restrictions in access to treatment have all contributed to increases in substance use and relapse. And even before COVID-19, Maryland was in the midst of an opioid epidemic.

For this reason Maryland must enact strong measures to continue to curb the number of overdose deaths. The state took steps in 2015 to encourage those who were observing a medical emergency related to the consumption of drugs or alcohol to call for help without fear of arrest or prosecution for:

- Possession of a controlled dangerous substance
- Possession or use of drug paraphernalia
- Providing alcohol to minors

SB 546 would continue this effort. In order to seek help for themselves, an individual who is experiencing a medical emergency related to the consumption of drugs or alcohol must feel free to seek out medical assistance (or have others seek medical assistance for them) without fear that they themselves will be prosecuted. Immunity must apply to both the observer and the person experiencing the medical emergency.

Along with our work in the areas of mental health and problem gambling, the Maryland Coalition of Families provides family peer support and navigation services to families that care for a loved one with a substance use problem. We have 21 substance use staff who cover the state, some of whom have lost a child or other loved one to an opioid overdose. Almost three-quarters of the families served by MCF's substance use staff has a loved one with an opioid use disorder. While all of the substance use families that we work with are desperate to get help for their loved one, the families who have a loved one with

an opioid use disorder are especially frantic. They are facing a life or death situation on a daily basis. We would be grateful for whatever the Judicial Proceedings Committee can do to help these families, and passing SB 546 would be one positive step.

A part of MCF's mission is to educate the public about Maryland's Good Samaritan law. MCF's staff of some 70 Family Peer Support Specialists have as one of their responsibilities the distribution of informational materials regarding the Good Samaritan Law to all the families that they work with. In addition, our substance use staff offer trainings on the Good Samaritan Law to all sorts of groups, including schools, recovery residences, law enforcement, emergency responders, and community organizations. Should SB 546 pass, our staff would work diligently to ensure that changes to the existing Good Samaritan Law were rapidly and thoroughly communicated across Maryland in order to reduce opioid deaths.

We urge a favorable report on SB 546.

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SB 546 - Good Samaritan - TESTIMONY.pdf

Uploaded by: C. Athony Muse

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

TESTIMONY by Senator C. Anthony Muse

SB 546: Criminal Procedure – Medical Emergency – Immunity

Good afternoon, Mr. Chairman, Vice Chairman and members of the Senate Judicial Proceedings Committee. Senate Bill 546 does two things. First, the bill clarifies that the victim of the overdose or medical emergency is provided the same immunity from arrest, charge and prosecution as the person calling for help. This is reflected in the deletion on page 2, line 5. In a Court of Special Appeals decision filed in 2018, *Christopher Noble v. State of Maryland*, No. 2476, September Term, 2016, the Court found that the legislative intent was clear that the person who experienced the overdose was also to be covered by the immunities to the identified offenses.

The second thing the bill does is expand one of the protections. Whether intended or not, in the current law, the effect of the last section of the law is to protect the person who called for help from having their parole or probation violated if the only evidence was a result of calling for assistance.

In closing, we all know that the pandemic increased our opioid overdose crisis in the state. And SB 546 aims to address this crisis, by clarifying that the victim of an overdose or medical emergency is provided the same immunity as the person calling for help and expands that protection against parole or probation violation to the person experiencing the overdose.

Therefore, I urge this committee for a FAVORABLE report for SB 546

SB0546 Good Samaritan Expansion.pdf

Uploaded by: Emily Allen

Position: FAV

Senate Bill 546 Criminal Procedure – Medical Emergency – Immunity

Senate Judicial Proceedings Committee

March 9, 2023

Position: SUPPORT

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 support of Senate Bill 546.

Maryland's Good Samaritan law encourages people who witness an overdose to call 9-1-1 by providing immunity from arrest, charge, or prosecution for several minor drug and alcohol offenses if the related evidence was obtained solely as a result of the person's seeking, providing, or assisting with the provision of medical assistance. However, the effectiveness of this law is limited because the victim of the overdose may still be arrested, charged and prosecuted, which discourages some bystanders from seeking medical assistance. SB 546 extends Good Samaritan immunity to protect against such detention or prosecution.

The public health and safety threat from drug- and alcohol-related intoxication continues to grow. Americans are now more likely to die from opioid overdoses than car crashes.¹ Maryland has made progress in recent years to address this epidemic, but we are still in the midst of a crisis that is devastating families across the state. Over 2,500 Marylanders lost their lives to an opioid-related death in 2020.²

Maryland has battled a persistent overdose crisis since well before COVID-19, but pandemic-related stress, grief and despair have exacerbated these concerns. In the first six months of 2021, there were 1,358 unintentional intoxication fatalities involving all drugs and alcohol in Maryland, representing a 0.5 percent increase from the 1,351 such fatalities reported in the first half of 2020. Of these fatalities, 1,217 (or 89.6 percent) involved opioids.³

Maryland's Good Samaritan law is a critical component in our effort to combat this overdose crisis. Expanding the statute as outlined in SB 546 is a critical next step in this battle. For this reason, MHAMD supports SB 546 and urges a favorable report.

¹ <https://www.nsc.org/in-the-newsroom/for-the-first-time-were-more-likely-to-die-from-accidental-opioid-overdose-than-motor-vehicle-crash>

² Maryland Opioid Operational Command Center 2020 Annual Report.
https://health.maryland.gov/vsa/Documents/Overdose/Annual_2020_Drug_Intox_Report.pdf

³ Maryland Opioid Operational Command Center 2021 Second Quarter Report.
<https://beforeitstoolate.maryland.gov/wp-content/uploads/sites/34/2021/09/OOCC-Q2-2021-Quarterly-Report.pdf>

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

HPP Testimony SB 546- FAV.pdf

Uploaded by: Jessica Emerson

Position: FAV

Testimony of the Human Trafficking Prevention Project

BILL NO:	Senate Bill 546
TITLE:	Criminal Procedure – Medical Emergency – Immunity
COMMITTEE:	Judicial Proceedings
HEARING DATE:	March 9, 2023
POSITION:	SUPPORT

Senate Bill 546 will clarify that a person experiencing an overdose or substance-related medical emergency is provided the same immunity from arrest, charge and prosecution as the person calling for help, and may also not be sanctioned for violations of pretrial release, probation, or parole as a result of receiving that medical assistance. **The Human Trafficking Prevention Project supports this bill because it will reduce the risk of overdose, incarceration, and re-exploitation for trafficking survivors, many of whom are using drugs to cope with the trauma of their trafficking experience.**

Drug overdoses continue to be a serious public health challenge in Maryland. The number of opioid-related deaths increased by 20% between 2019 and 2020, and preliminary data indicates a continued increase in 2021. In 2015, Maryland enacted a “Good Samaritan” law to encourage people to call for help when someone is facing a medical emergency due to drugs or alcohol. This is a life-saving measure, with a State-sponsored public education campaign whose message is “Don’t run – call 911.”

Maryland’s law currently provides people with protection from arrest and prosecution for certain specific crimes and insulates them from other harms related to involvement in the criminal legal system if they assist in an emergency overdose situation. If someone calls 911 in an effort to help during an overdose crisis, their parole and probation status will not be affected, and they will not be arrested, charged, or prosecuted for certain offenses.¹ However, the individual experiencing the overdose is not similarly insulated. House Bill 427 will build on existing law by clarifying that the victim of the overdose or medical emergency is provided the same immunity from arrest, charge prosecution, and violations as the person calling for help. **Unfortunately, the current legislation does not expand the number offenses that people are immune from to include all misdemeanor offenses as well as possession with intent to distribute, which was the case with last year’s version of the bill, House Bill 190.**²

This legislation that will reduce the harms that people using drugs face, many of whom are 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 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 a life-saving act 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.

¹ MD CODE ANN. CRIM. LAW § 5–601, § 5–619, § 5–620, § 10–114, § 10–116, or § 10–117.

² <https://mgaleg.maryland.gov/mgaweb/Legislation/Details/hb0190/?ys=2022rs>.

Senate Bill 546 will reduce this potential harm by immunizing those who use drugs from prosecution for certain minor offenses as well as from violations of pretrial release, parole, or probation if they have a medical emergency while using. This commonsense bill will improve the health outcomes of all persons who use drugs, including trafficking survivors, and will reduce the risk of re-exploitation that trafficking survivors with criminal records face. **For these reasons, the Human Trafficking Prevention Project supports Senate Bill 546. We respectfully urge a favorable report.**

*For more information, please contact:
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Health Care for the Homeless - 2023 SB 546 FAV - G

Uploaded by: Joanna Diamond

Position: FAV

HEALTH CARE FOR THE HOMELESS TESTIMONY
IN SUPPORT OF
SB 546 - Criminal Procedure - Medical Emergency - Immunity

House Judiciary Committee
March 9, 2023



Health Care for the Homeless supports SB 546, which would 1) clarify that the victim of the overdose or medical emergency is provided the same immunity from arrest, charge and prosecution as the person calling for help; and 2) ensure the person who survives an overdose or other medical emergency is protected from parole or probation violation.

In 2016, Maryland sustained 1816 opioid-related deaths, a 70% increase from 2015 and a four-fold increase since 2010. Heroin-related deaths increased by 62% (from 748 to 1212) between 2015 and 2016, and fentanyl-related deaths more than tripled (from 340 to 1119).¹ In 2015, Maryland enacted a “Good Samaritan” law to encourage people to call for help when someone is facing a medical emergency due to drugs or alcohol. This was a life-saving measure, but gaps remain in the law that prevent people from seeking life-saving interventions. In the meantime, Maryland has seen a 14% increase in opioid-related overdose deaths in the first three-quarters of 2020 compared to the same time the year before.

Our clients at Health Care for the Homeless routinely experience fears about arrest or interaction with police. Several clients fear that calling 911 might disrupt their housing stability. For example, they fear eviction from abandoned houses, in addition to arrest for burglary or trespassing. One client declined to call 911 after an overdose in the abandoned house where he was living, because he “didn’t want not to have no place to go.”² More stably housed participants feared eviction, as well. Interventions designed to encourage bystanders to stay at the scene to provide paramedics with information, or to call 911 without delay, may expedite emergency medical care and have a greater life-saving effect than interventions solely aiming to increase bystander 911 calls.³

Persistent gaps in Maryland’s Good Samaritan law, deterring people from seeking life-saving help.⁴ We fully support SB 546, which will close these gaps and encourage people who are overdosing to seek the help they need. Therefore, Health Care for the Homeless respectfully requests a favorable report on this bill.

Health Care for the Homeless is Maryland’s leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. Our mission is to end homelessness through racially equitable health care, housing and advocacy in partnership with those of us who have experienced it. We deliver medical care, mental health services, state-certified addiction treatment, dental care, social services, housing and housing support services for over 10,000 Marylanders annually in Baltimore City and Baltimore County. For more information, visit www.hchmd.org.

¹ Maryland Department of Health and Mental Hygiene, *Drug and alcohol related intoxication deaths in Maryland, 2016* (2017), available at http://bha.dhmh.maryland.gov/OVERDOSE_PREVENTION/Documents/2015.05.19-Annual OD Report 2014_merged file final.pdf.

² Amanda D. Latimore, et al., International Journal of Drug Policy, “Caught with a body” yet protected by law? Calling 911 for opioid overdose in the context of the Good Samaritan Law (2017), available at <https://www.sciencedirect.com/science/article/abs/pii/S0955395917302888?via%3Dihub>.

³ *Id.*

⁴ *Id.*

MATOD - 2023 SB 546 FAV - Good Samaritan - Senate.

Uploaded by: Joshua Grollmes

Position: FAV



Senate Judicial Proceedings Committee
March 9, 2023
Support of Senate Bill 546

The Maryland Association for the Treatment of Opioid Dependence (MATOD) urges a favorable opinion on SB 546.

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2021 - 2023

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Drug overdoses are a serious public health challenge in Maryland and across the country. In Maryland, the total number of overdose deaths has risen steadily since 2010, mainly due to the **increase in opioid-related deaths, including a disturbing 14% increase in the first three quarters of 2020 over the previous year.** In 2014, Maryland enacted a “Good Samaritan” law to encourage people to call for help when someone is facing a medical emergency due to drugs or alcohol. This is a life-saving measure, but people will not call 911 if they believe they will be arrested because of their involvement.

Senate Bill 546 will build on our existing law to do two things:

- Clarify that the victim of the overdose or medical emergency is provided the same immunity from arrest, charge and prosecution as the person calling for help; and
- Ensure the person who has survived the overdose or other medical emergency does not have their parole or probation violated.

Maryland’s law currently provides protection from arrest and prosecution for certain specific crimes and expands the charges from which people assisting in an emergency overdose situation are immune. If someone calls 911 in an effort to help during an overdose crisis, or they are experiencing an overdose, their parole and probation status will not be affected, and they will now not be arrested, charged, or prosecuted for:

- Possession of a controlled dangerous substance
- Possession or use of drug paraphernalia
- Providing alcohol to minors

This law covers any kind of overdose, whether it is related to opioids or alcohol or other drugs. We urge a favorable opinion on SB 546.

MATOD members include community and hospital based Opioid Treatment Programs, local Health Departments, local Addiction and Behavioral Health Authorities and Maryland organizations that support evidence-based Medication Assisted Treatment. MATOD members include thousands of highly trained and dedicated addiction counselors, clinical social workers, physicians, nurse practitioners, physician assistants, nurses, peer recovery specialists and dedicated staff who work every day to save and transform lives.

NCADD-MD - 2023 SB 546 FAV - Good Samaritan - Sena

Uploaded by: Nancy Rosen-Cohen

Position: FAV



**Senate Judicial Proceedings Committee
March 9, 2023**

**Senate Bill 546
Criminal Procedure - Medical Emergency - Immunity**

Support

Amid the COVID-19 pandemic, the pre-existing opioid overdose death fatality crisis has worsened. In Maryland, the number of opioid-related deaths increased by 20% between 2019 and 2020, and data indicates a continued increase in 2021. Maryland must focus on proven effective harm reduction strategies to save lives.

The Maryland Affiliate of the National Council on Alcoholism and Drug Dependence (NCADD-Maryland) supports Senate Bill 546 to expand the state's "Good Samaritan Law" that is meant to encourage people to call for help when someone is experiencing an overdose or other substance-related medical emergency.

Drug overdoses continue to be a serious public health challenge in Maryland and across the country. In 2014, Maryland enacted a Good Samaritan law to encourage people to call for help when someone is facing a medical emergency due to drugs or alcohol. This is a life-saving measure, with a State-sponsored public education campaign whose message is "Don't run - call 911." But people will not call 911 if they believe they will be arrested because of their involvement.

Maryland's law currently provides protection from arrest, charge and prosecution for certain specific crimes:

- Possession of a controlled dangerous substance
- Possession or use of drug paraphernalia
- Providing alcohol to minors

Senate Bill 546 will build on our existing law to do two things:

- 1) Clarify that the victim of the overdose or medical emergency is provided the same immunity from arrest, charge and prosecution as the person calling for help; and
- 2) Expand the current protections against probation or parole violation for the person who calls help to include the person experiencing the overdose or medical emergency.

At its most fundamental level, the problem is that overdose scenes are treated as crime scenes instead of health crisis scenes. We understand that police want to investigate and find upstream volume dealers. But this approach creates fear and distrust among people who use drugs. Until we shift the framework through which we approach overdoses to one where providing a public health intervention is paramount, there will always be people too scared to call for help. And the death toll will continue to rise. We urge your support of Senate Bill 546.

SB546_FAV_BHRC_Good Samaritan.pdf

Uploaded by: Owen O'Keefe

Position: FAV



March 9, 2023

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

Senate Bill 546 (Criminal Procedure - Medical Emergency - Immunity) - FAVORABLE

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 other harm reduction programs across the state, BHRC supports Senate Bill 546 (Criminal Procedure - Medical Emergency - Immunity).

Our community and loved ones are facing an increasingly deadly overdose epidemic. 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, but they do not go far enough to halt the overdose epidemic. 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. While these essential policies have increased opportunities for health and safety, the situation remains dire.

This bill is an essential next step in strengthening the public health and safety impact of Maryland's 2015 "Good Samaritan" law. Maryland's existing Good Samaritan law is a life-saving measure with a State-sponsored public education campaign whose message is "don't run – call 911." If passed, SB546 will clarify that the survivor of the overdose or medical emergency is provided the same immunity from arrest, charge and prosecution as the person calling for help.

In 2022, we trained over 3,000 Marylanders in responding to an overdose and distributed over 10,000 doses of naloxone. We connect people to these life-saving services while meeting our neighbors where they live, work, and use drugs; in four Baltimore neighborhoods with high overdose fatality rates and across Maryland via our state-authorized mail-order naloxone program. 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 they love. Concurring with this deep mistrust of law enforcement, BHRC cannot in good conscience rely

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

on the existing Good Samaritan law until our loved ones who may experience overdose are protected with the immunities listed in this proposed bill SB546.

We hope for a day where protections for people at the scene of an overdose are even further expanded. Doing so would more effectively save lives. However, we know this clarification is a needed step in the right direction to reduce the harm of police interaction at the scene of an overdose. **For these reasons, we urge the Senate Judicial Proceedings Committee to give SB546 a favorable report.**

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

PeteF Testimony on SB0546.pdf

Uploaded by: Peter Fitzpatrick

Position: FAV

SB0546 - Criminal Procedure - Medical Emergency – Immunity

Committee: Judicial Proceedings

Date: March 8, 2023

POSITION: Support

Madame Chair and Members of the Committee,

I asking for you to give a favorable report on **SB0546 - Criminal Procedure - Medical Emergency – Immunity** because I think it can save lives. I am a paramedic and a registered nurse. I have been on the front lines in emergency care for nearly 30 years. I know a few things about saving lives.

My older son, Sam, was a funny kid. He was kind of little kid who wanted to know if the trash incinerator off of I-95 in Baltimore was where they made clouds or why a snowman refused to come alive when you put a hat on its head. He was the kind of older kid who gave his lunch money to a homeless person he saw digging through a dumpster for food and taught most of the younger kids in the neighborhood to ride a two-wheeler.

Sam, though, grew into a troubled young man who fought mental health issues and substance abuse. He fought his disease as best he could. But I know from my working life, sometimes you can do everything still have a bad outcome. We lost Sam to a Fentanyl overdose on May 24th of last year. He was 22.

When he died, Sam was serving out a probation before judgement verdict for the kind of things that happen with a person who has a drug problem. I ask no sympathy for his crimes, but only for a little understanding that this wasn't a bad kid - this was kid with problems. We tried to get Sam help, but he was reluctant because he was worried that he would be in violation of his probation. He feared that consequence enough to risk his life and that was exactly what it cost him everyone that loved him.

The other thing I know from working life is that, when you lose a patient, there is only one thing you can do - go try to save the next one. And that's why I'm here, because I think the protections provided in this bill removes one more barrier to seeking care and can help save that next one. I have included a letter signed by 30 physicians, nurses, first responders, and other healthcare providers who agree. That next one is out there, and this bill might save them. It is the one thing my broken heart can ask for that it might still get.

This is a public health crisis. It's more than 2000 dead Marylanders every year. It's a daughter and son left without their dad. It's a sister getting a call that her brother is gone. It's a father finding his son – his son who thought trash could become clouds and snowmen could dance – cold and dead in his room.

I am happy to take any questions you might have.

Thank you,

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SB0546 Fact Sheet.pdf

Uploaded by: Peter Fitzpatrick

Position: FAV

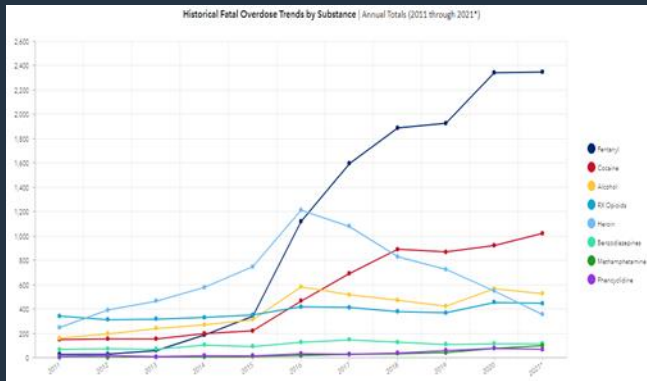
SB 546: Good Samaritan Law Expansion

Criminal Procedure – Medical Emergency - Immunity



The Problem

- Drug overdose deaths reached an all-time high during the COVID-19 pandemic
- Most overdose deaths were associated with synthetic opioids
- Maryland was one of four states with the highest rate of drug overdose deaths: 45.6 per 100,000
- Community members are still afraid to call 911 during overdoses



(Opioid Operational Command Center, n.d.)

The Solution

- Expand & clarify the legal language of the Good Samaritan Law.
- We must remove all real and perceived barriers to emergency care and allow immunity to witnesses and victims during medical emergencies.
- The loud and clear message to our community needs to be: "Don't Run, Call 911."



(Opioid Operational Command Center, n.d.)

The Ask: How You Can Help Us

- Pass SB 546
- paired with community education and law enforcement training will serve as harm reduction measures to decrease the number of overdose fatalities in Maryland.

DON'T RUN CALL 911

45.6 per 100,000 Deaths Overdose

in Maryland in 2020

(Kaiser Family Foundation, 2021)

Our Supporters and Partners



How to Contact Us

✉ **Email:**
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🌐 **Website**
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555-555-0100



Sponsored by: Senators Muse and Smith

References

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SB0546 letter of support.pdf

Uploaded by: Peter Fitzpatrick

Position: FAV

SB0546 - Criminal Procedure - Medical Emergency – Immunity

Committee: Judicial Proceedings

Date: March 8, 20223

POSITION: Support

Mr. Chairman and Members of the Senate Judicial Proceedings Committee:

We as physicians, nurses, emergency responders, and other health professionals, support HB0427 / SB0546 Criminal Procedure - Medical Emergency - Immunity as a measure to reduce barriers to care for those seeking help in a medical emergency. Specifically, we believe that this bill will encourage more victims of opioid overdoses to seek the care that they need. Opioid overdoses have reached crisis levels in recent years, and we believe every reasonable measure must be taken to address this public health emergency which is killing more than 2000 Marylanders every year.

Sincerely,

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Good Samaritan - SB546.pdf

Uploaded by: Psalms Rojas

Position: FAV



TESTIMONY IN SUPPORT OF SB 546
Criminal Procedure – Medical Emergency – Immunity

March 8, 2023

Senator William C. Smith, Jr.
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Miller Senate Office Building
Annapolis, Maryland 21401

Testimony of Marian House in Support of SB546

**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 support Senate Bill 546 Criminal Procedure – Medical Emergency – Immunity.**

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.

The chance of surviving an overdose, like that of surviving a heart attack, greatly depends on how fast one receives medical assistance. Witnesses to an overdose, however, often hesitate to seek help or simply do not call for assistance. Research confirms the most common reason people cite for not calling 911 is fear of police involvement. Reducing barriers to calling 911 has the potential to save victims of overdose from severe injury and death. Initial results from an evaluation of Washington State's Good Samaritan law, adopted in 2010, found that 88% of people who use opioids said they would be more likely, and less afraid, to call 911 in the event of a future overdose after learning about the law. **SB 546 will help save lives, therefore, we urge your FAVORABLE SUPPORT.**

Thank you for your support,

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

MDDCSAM - 2023 SB 546 FAV - Good Samaritan - Senat

Uploaded by: Scott Whetsell

Position: FAV

Senate Bill 546 - Criminal Procedure - Medical Emergency - Immunity

SUPPORT

Senate Judicial Proceedings Committee

March 9, 2023

The Maryland-DC chapter of the American Society of Addiction Medicine (MDDCSAM) whose members are physicians and other health providers who treat people with substance use disorders, supports Senate Bill 546.

Early engagement with emergency medical treatment for drug overdoses and other related medical emergencies saves lives. We should do everything in our power to remove barriers to accessing timely emergency medical care.

Fear of legal repercussions can often prevent our patients, or those surrounding them, from calling for emergency medical help after drug overdoses and other associated medical emergencies. Drug overdoses, in particular, can proceed to death or severe anoxic brain injury within minutes – prompt medical attention is of paramount importance. We can reduce statewide overdose mortality rates by expanding Maryland’s Good Samaritan laws and passing this bill.

Good Samaritan laws have been a vital component in the effort to improve outcomes for our patients. Now passed in a majority of states, Good Samaritan laws have consistently been associated with reductions in drug-related overdose deaths, and have not been associated with increased drug use or criminal activity. These laws save lives.

This bill will build upon the positive impact from Maryland’s law created in 2014 and will further protect our patients by reducing fears about negative parole and probation repercussions for the person who survives the overdose or other medical emergency.

As addiction medicine providers, we cannot help patients who have already died from an overdose. Please support this law that will save lives, so we can continue to provide these patients with addiction treatment and a pathway to long-term recovery.

We respectfully request a favorable report.

SB 546_Medical Emergency Immunity_BHSB_FAVORABLE (

Uploaded by: Stacey Jefferson

Position: FAV



March 9, 2023

Senate Judicial Proceedings Committee
TESTIMONY IN SUPPORT
SB 546 Criminal Procedure-Medical Emergency-Immunity

Behavioral Health System Baltimore (BHSB) 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 77,000 people with mental illness and substance use disorders (collectively referred to as “behavioral health”) annually.**

Behavioral Health System Baltimore supports SB 546- Criminal Procedure-Medical Emergency-Immunity. This bill extends protections against violation of parole and probation to the person experiencing the medical emergency.

In 2015, Maryland passed SB 654 also known as the Good Samaritan Law (GSL) to encourage people to call for help when someone is facing a medical emergency due to drugs or alcohol. The Maryland Good Samaritan Law extends immunity from low-level drug charges and/or parole violation to bystanders who call 911.

In order to seek help for themselves, an individual who is experiencing a medical emergency related to the consumption of drugs or alcohol must feel free to seek out medical assistance without fear that they themselves will be prosecuted. Immunity must apply to both the observer and the person experiencing the medical emergency.

BHSB conducted research on implementation of the Good Samaritan Law in Maryland and found overdose often occurs in the presence of one or more bystanders. Research found that many people are known to delay or refrain from calling 911 due to fear of arrest for drug or paraphernalia possession, homicide, outstanding warrants, and/or trespassing.¹ Many people also do not believe the GSL will protect them when responding to an overdose.

BHSB supports SB 546 because it provides the necessary clarifications to ensure that persons who are experiencing a medical emergency also receive protection against violation of parole and probation. We must provide immunity for persons providing assistance for someone who was experiencing an overdose as well as the person experiencing the overdose. **As such, BHSB urges the Senate Judicial Proceedings Committee to support SB 546.**

¹ Latimore, A, Bergstein, R, *International Journal of Drug Policy*, “Caught with a body” yet protected by law? Calling 911 for opioid overdose in the context of the Good Samaritan Law, November 2017.

SB546.pdf

Uploaded by: Timothy Bradford

Position: FAV



NATASHA M. DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

**MARYLAND OFFICE OF THE PUBLIC DEFENDER
POSITION ON PROPOSED LEGISLATION**

BILL: SB 546
POSITION: Support
Date: March 8, 2023

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on SB 546.

My name is Timothy Bradford and I am an Assistant Public Defender in Caroline County, Maryland.

I support this bill because I believe this bill will save lives. We must shift the focus from criminalizing drug use to encouraging life saving measures when an overdose occurs. We must stop charging and prosecuting Victims of addiction.

Drug overdose deaths continue to be a crisis in Maryland. According to the Maryland Overdose Data Dashboard, overdose deaths from Fentanyl and Heroin went down by 602 death between October 2021 to October 2022 but still over 2100 people died from overdoses in Maryland.¹

Good Samaritan laws are written to encourage bystanders to assist in emergency situations without fear. This is important because in emergency situations, such as drug overdoses, seconds count and making the choice to aid someone in calling for help in a life-threatening situation can be the difference between whether someone lives or dies.

Maryland's current Good Samaritan law currently covers any kind of overdose but does not provide the clarity needed to protect the victim of the overdose or medical emergency from with the same immunity from arrest, charge, and prosecution as the person calling for help. Many times, because of the lack of clarity, law enforcement officers do not uniformly apply the law, causing confusion within the process.

For example, a public defender in Frederick reported that a police officer used the Good Samaritan law to avoid arrest in an underage drinking case, but not for other Maryland Public Defender clients in Frederick. However, in Anne Arundel County, a public defender reported that multiple cases of children in schools that overdosed on an illegal substance were charged and prosecuted. Children are often scared to ask for help, but in these emergency situations, they need to know that they are protected if they take the life saving measure of calling 911 for help. With this law and further education, officers can more uniformly apply the Good Samaritan law.

¹ Maryland Overdose Data Dashboard/Opioid Operational Command Center,
<https://experience.arcgis.com/experience/c546d22ec4a946cbb700a282f53c6eb7/> .



NATASHA M. DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

Moreover, this distinction is important because if our public health objective is to reduce the number of those harmed by drug use in both children and adults, we should focus on funding access and resources to drug treatment programs, rather than focusing on criminalizing those that need help.² Gov. Larry Hogan said in a statement, “The COVID-19 pandemic has created additional challenges for people suffering from substance use disorder People are hurting and we must continue to increase access to care”³ In times of great distress, where the entire country is battling an opioid epidemic during a pandemic, we must also not add to the issue of mass incarceration, especially when Marylanders are engaging in life saving measures. Lastly, penalizing Marylanders for saving a person’s life by calling for help in a drug overdose situation is inherently counterproductive to safeguarding public health. People will not call emergency services if they believe that they will be prosecuted for their involvement in the emergency situation. However, by creating an environment where Marylanders know they will not be arrested, detained, or prosecuted for another offense – which was the intent of the original bill – Marylanders will be much more likely to make the call that would save someone else’s or their own life.

For these reasons, the Maryland Office of the Public Defender urges a favorable report on SB 546.

² Chloe Cokburn, Criminalizing drug Users is Killing People, ACLU (February 12, 2014), <https://www.aclu.org/blog/smart-justice/sentencing-reform/criminalizing-drug-users-killing-people>. 4 Miller, supra note 2

³ Miller, supra note 2.

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Uploaded by: State of Maryland (MD)

Position: INFO



DEPARTMENT OF HEALTH

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

March 9, 2023

The Honorable William C. Smith Jr.
Chair, Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, MD 21401-1991

RE: SB 546 – Criminal Procedure - Medical Emergency - Immunity – Letter of Information

Dear Chair Smith:

The Maryland Department of Health (MDH) respectfully submits this letter of information for Senate Bill (SB) 546– Criminal Procedure - Medical Emergency - Immunity. This bill addresses legal protections for people experiencing an opioid overdose or another medical emergency resulting from drug or alcohol consumption.

Over 200 lives are lost to unintentional overdose in Maryland each month.¹ The potential for criminal charges can deter Marylanders from calling 911 to seek necessary medical assistance in an overdose emergency.² SB 546 will address this concern and enable people to seek necessary medical attention in an overdose emergency. The change will address a long-standing gap in Maryland’s otherwise comprehensive Good Samaritan Law (Annotated Code of Maryland, Criminal Procedure §1-210) by providing persons experiencing a medical emergency with explicit immunity.

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 or (410) 260-3190.

Sincerely,

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

¹ Maryland Opioid Operational Command Center (O OCC). (2023). Maryland Overdose Data Dashboard. Retrieved Feb. 2, 2023, from <https://beforeitsstoolate.maryland.gov/oocc-data-dashboard/>

² López, A. M. et al. (2019). Statewide Ethnographic Assessment of Drug Use and Services (SEADS) - Statewide Report. University of Maryland, Maryland Department of Health, and Johns Hopkins Bloomberg School of Public Health. Retrieved Feb. 2, 2023, from <https://anth.umd.edu/project/statewide-ethnographic-assessment-drug-use-and-services-%28seads%29>