



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