



**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).