



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.¹ 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.**

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¹ 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>.