

## **House Bill 667 - Criminal Law – Overdosing in Public - Prohibition**

### **OPPOSE**

#### **House Judiciary Committee**

**February 23, 2023**

The Maryland-DC Chapter of the American Society of Addiction Medicine (MDDCSAM) is submitting written testimony in strong opposition to House Bill 667. MDDCSAM is a chapter of the American Society of Addiction Medicine (ASAM) and represents physicians and associated healthcare professionals from different disciplines with expertise in treatment of addiction. Our goals are to diagnose, treat, and advocate for people with the chronic disease of addiction and its related problems.

Overdose is one of the most urgent problems associated with substance use and addiction and in 2021 more than 100,000 Americans died from overdose. The current legislation proposes to criminalize people who experience an overdose in public, resulting in a fine of up to \$500 or up to sixty days in jail or mandated referral to drug court or addiction treatment. While we appreciate that the intent of the bill's author is to help address the serious issue Maryland faces, addiction and overdoses are public health problems that require a public health response. For too many decades we have tried and failed to arrest and prosecute our way out of drug addiction. In fact, this legislation risks increasing overdose deaths and is problematic for many reasons including those outlined below:

- Decades of criminalization of substance use have demonstrated that this is a misguided policy, which has failed to curb substance use or decrease deaths from overdose.
- Given the known differential rates of arrest, prosecution, conviction and sentencing, this legislation will have a disproportionate impact on racial and ethnic minoritized communities, worsening existing disparities in both associated consequences of substance use and access to treatment for addiction to substances.
- Evidence-based, guideline consistent, patient-centered treatment is what is shown to be most effective. However, traditionally, mandated treatment has resulted in patients being sent to programs who deny access to medications for opioid use disorder (MOUD), which are considered most the effective treatment for reduction of overdose and overdose deaths.
- A history of incarceration is consistently associated with increased risk for overdose, particularly fatal overdose, with the largest period of risk in the 2 weeks post release from incarceration.
- 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. The proposed legislation only increases the risk of failure to intervene and will unintentionally undermine the Good Samaritan law.

MDDCSAM is committed to being an active participant in addressing the public health problems of substance use, addiction, and overdose. Instead of creating more criminal legal penalties, we need an array of positive, proven, public health solutions to effectively address these problems. MDDCSAM urges opposition to this bill.