



DEPARTMENT OF HEALTH

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

February 23, 2023

The Honorable Luke Clippinger
Chair, House Judiciary Committee
Room 101, House Office Building
Annapolis, MD 21401-1991

RE: HB 667 – Criminal Law - Overdosing in Public - Prohibition – Letter of Opposition

Dear Chairman Clippinger and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of opposition for House Bill (HB) 667 – Criminal Law - Overdosing in Public - Prohibition. HB 667 prohibits a person from overdosing in a public place or on a public conveyance. A person who violates this provision can be subject to fines, a misdemeanor charge, or proposed diversion alternatives. Specifically, upon conviction, a court may refer the individual to drug court or substance abuse treatment program.

This bill will criminalize the act of experiencing an overdose in public, which could deter individuals from seeking help in a medical emergency. Moreover, this bill is in direct conflict with the intent behind Maryland's Good Samaritan Law. In 2014, as a result of an increase of individuals experiencing an opioid overdose, Maryland's Good Samaritan Law was implemented to protect any individual who "seeks, provides, or assists with the provision of medical assistance as the result of a person ingesting or using alcohol or drugs."¹ The law protects individuals from criminal arrest, charge or prosecution where the evidence was obtained solely because of the act of seeking medical assistance.

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 Md. Criminal Procedure Code Ann. § 1-210