

Testimony of the Human Trafficking Prevention Project

BILL NO: House Bill 667
TITLE: Criminal Law – Overdosing in Public – Prohibition
COMMITTEE: Judiciary
HEARING DATE: February 23, 2023
POSITION: **OPPOSE**

House Bill 667 would prohibit a person from overdosing in a public place, subjecting them to a misdemeanor conviction, 60 days imprisonment, or a fine not exceeding \$500. In the alternative, those found in violation of this proposed law may be referred to drug court or a local substance abuse treatment program. The Human Trafficking Prevention Project strongly opposes this bill because it will disproportionately impact people experiencing poverty and will worsen the collateral consequences of a criminal record that disproportionately affects poor communities, Black and Brown communities, and survivors of human trafficking.

HB 667 runs contrary to everything we have learned from the failed “War on Drugs.” Excessive criminalization of addiction has done nothing to reduce the drug trade, nor the consumption of illicit substances. Instead, it has overflowed our prisons and rendered entire communities, primarily Black and Brown and poor communities, unemployable due to the collateral consequences of criminal convictions, despite the fact that drug use is just as common, if not more so, among those of economic privilege. Now, with HB 667, Maryland would be taking a significant step backwards by criminalizing overdosing in public, which will primarily impact those experiencing homelessness and/or who are engaging in street-based survival.

HB 667 is also in direct opposition to Maryland’s Good Samaritan law, which was passed by the General Assembly with the intent to relieve an individual’s hesitation to call for help during a medical emergency, including those that are drug-related. The spirit of the Good Samaritan law is undermined by any new or increased penalties for someone involved in a drug-related emergency. When people are confused about their rights or fear that their actions may result in a friend or loved one’s arrest, they may hesitate to contact authorities in the midst of a life-or-death situation.

Furthermore, this legislation will only serve to *increase* the harms that the most vulnerable people using drugs face by introducing yet another route towards arrest, incarceration, and the collateral consequences of a criminal record. While collateral consequences apply to all people with a criminal record, these effects disproportionately impact survivors of human trafficking, given that substance use is both a common predictor of, *and* a reaction to, this horrific crime. Many trafficking survivors report self-medicating to cope with past trauma and were trafficked as a direct result of this addiction, while those who have survived a trafficking experience often begin using substances as a means to cope with what has happened to them. These survivors are put at increased risk of overdose-related death if they or the people around them do not feel comfortable calling for help when a drug-related emergency arises. Additionally, those individuals who are arrested as a direct result of their use or the life-saving act of another will then find themselves put at heightened risk of re-exploitation because of the difficulty those with criminal records so commonly face in obtaining safe housing or gainful employment.

We simply cannot arrest our way out of Maryland’s drug crisis. While HB 667 does indeed seek to mitigate its own harm by allowing those arrested for public overdoses to be “sentenced” to drug court or a local drug treatment program, this protection only exists on paper. In reality, HB 667 would worsen outcomes for the most vulnerable people who use drugs, including survivors of human trafficking. We cannot afford to take such a huge step backwards when we are finally beginning to see evidence that a public health response to this crisis is far more helpful than the harmful punitive response that has thoroughly failed its stated intent. For these reasons, the Human Trafficking Prevention Project opposes House Bill 667, and we respectfully request an unfavorable report.