



March 5, 2024

**House Judiciary Committee
TESTIMONY IN OPPOSITION**

*HB 1245 - Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death
(Victoria and Scottie's Law)*

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 100,000 people with mental illness and substance use disorders (collectively referred to as "behavioral health") annually.

Behavioral Health System Baltimore strongly opposes HB 1245 - Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria and Scottie's Law). This punitive measure would only worsen the opioid epidemic in our state and result in more fatal overdoses. This approach is misguided, and we urge an unfavorable report.

The number of overdose deaths in Maryland has skyrocketed in the last ten years. About 2,500 people die of fatal overdose in the state every year, including 1,000 who die in Baltimore City.¹ Preventing this unconscionable loss of life must be the state's top priority.

Unfortunately, HB 1245 will make our opioid epidemic worse. The enhanced penalties included in HB1245 will have minimal effect on the availability of drugs or the composition of the drug supply. Punitive deterrents have been tried for over 50 years and have yet to deliver any evidence that they reduce drug use and its associated harms. What this bill will do is engender fear among people who use drugs. Stories of this legislation and any potential prosecutions will rightfully lead people who use drugs to be more cautious and reticent to come out of the shadows. It will reduce participation in harm reduction programming and reduce the likelihood that potentially reversible overdoses are reported. In short, it will result in more fatalities and more heartbreak for the loved ones of people who use drugs.

The bill attempts to provide some protection to individuals who share drugs without compensation and who report overdoses under Good Samaritan protections. These are appreciated but they will not prevent the chilling effect this bill will have on the likelihood that overdoses are reported.

Maryland needs evidence-based overdose prevention strategies, not failed strategies to criminalize our way out of the overdose epidemic. **BHSB urges the House Judiciary Committee to reject HB 1245.**

For more information, please contact BHSB Policy Director Dan Rabbitt at 443-401-6142

References:

¹ Maryland's Overdose Data Dashboard, available at: <https://stopoverdose.maryland.gov/dashboard/>