



House Judiciary Committee

March 5, 2024

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

Oppose

NCADD-Maryland respectfully opposes the increased penalty proposed in House Bill 1245. The crisis of opioid overdoses is one we know the entire community is affected by and is trying to respond to. NCADD-Maryland appreciates that the intent of the sponsor and supporters of this bill is to help address this serious problem. For too many decades we have tried to arrest and prosecute our way out of drug addiction. And we have failed.

Instead of creating more and longer criminal penalties, we need a bigger and stronger array of positive tools in our work to address substance use disorders, provide better interventions, and reduce the demand for opioids and other drugs. In recent years, Maryland has made progress with things like making the life-saving drug naloxone more available, expanding syringe services programs, and certifying peer recovery specialists.

Another positive step was the creation of the state's Good Samaritan law. We are appreciative that the bill includes a small expansion of Good Samaritan. It is important that we do not inadvertently discourage people from calling 911 for help.

We are also appreciative that the bill has language intended to exclude the sharing of drugs in the definition of distribution. We are not, however, convinced it will be effective. When two people pool their money to purchase drugs to share, we believe law enforcement will still be able to arrest people by claiming that money changed hands.

We know the intent of this bill is to get to the higher level dealers. We know that in practice, this bill will be used to pile on charges to put pressure on people who also have substance use disorders, and will in effect lead to longer sentences for those who really need help. While the overdose crisis pulls at our hearts and we instinctively want to lock up people who sell drugs to our loved ones, we have to look at a long history that shows we cannot arrest our way out of the disease of addiction. This is true about the overdose crisis as well.

NCADD-Maryland a public health crisis demands a public health response, not a proposal for enhanced criminal penalties. There is much we can do together to reduce opioid overdoses and deaths. This proposal will not accomplish that goal.

We ask for an unfavorable report on House Bill 1245.