

February 12, 2025

**Senate Judicial Proceedings Committee
TESTIMONY IN OPPOSITION**

*SB 604 Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death
(Victoria, Scottie, Ashleigh, and Yader's Law)*

I am the mother of a child that suffered from substance use disorder. My eldest son, Sean, died on December 16, 2013, just two days after his 23rd birthday. His death was the result of 100% pure fentanyl poisoning. He thought he was getting heroin, to hold him over until he his treatment bed was available.

I, Barbara Beth Schmidt strongly oppose SB 604 Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria, Scottie, Ashleigh, and Yader's Law). This bill would create a new enhanced penalty of up to 20 years in prison for those found liable for a fatal overdose. This approach of using longer and longer prison sentences to address problems related to drug use has been tried before and has failed. We urge the General Assembly to instead focus on proven solutions that prevent overdose like evidence-based treatment and education.

The overdose epidemic has been a tragedy that has cost the lives of thousands of Marylanders. The General Assembly should prioritize preventing overdose and bringing an end to this crisis. Unfortunately, SB604 is counterproductive despite being well-intended. Laws like SB604, often called drug-induced homicide (DIH) laws, seek to prevent overdose by using harsh penalties as a deterrent. SB604 proposes up to 20 additional years for those liable for distributing heroin or fentanyl that results in a fatal overdose. Distributing fentanyl already carries a penalty of up to 30 years in prison. The threat of 50 years in prison will be no more effective of a deterrent than 30 years. While the deterrent effect of SB604 will be negligible, it will impact mass incarceration and state prison costs.

DIH laws like SB604 also have unintended consequences. DIH prosecutions will discourage people who use drugs from reporting potentially reversible overdoses for fear of harsh criminal penalties. SB604 has some protections for those reporting overdoses but they do not apply to all scenarios. If SB604 passes, it is likely that some who report overdoses will get prosecuted for DIH. That will discourage scores of others who use drugs from reporting overdose, potentially increasing the number of fatalities rather than improving the overdose epidemic.

11 years ago 100% pure fentanyl in Maryland was unheard of. Sean was waiting for a treatment bed to open, he had been substance free for a little less than 2 years. Unfortunately, an acquaintance reached out to him for a "connection" in the city and for reasons he will never be able to tell us, he decided to go along and introduce this person to his connection. There were 2 other people with Sean when he died. The dealer gave them 3 capsules of drugs, Sean's was the only with 100% pure fentanyl, he is the only one that died. The people with him did not reach out for help right away, they were afraid they would get in trouble. I believe if this bill is passed they would be right and even less people will call for help. My son did not supply these people with the deadly drug and they did not supply him either-it was the dealer in the city. My fear is, if this law were to be passed, if my son had survived and his friends did not, would he have been charged with their deaths? We currently have laws in Maryland that we can use to

prosecute, I truly believe we do not need a new law and that by passing this many innocent lives will be negatively impacted, not just those that have no regard for the lives of our loved ones.

The General Assembly should focus on investments in prevention and treatment rather than new harsh penalties. I, Beth Schmidt **urge the Senate Judicial Proceedings Committee to oppose SB 604.**

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