



BALTIMORE CITY

SUBSTANCE ABUSE DIRECTORATE

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Senate Judicial Proceedings Committee February 12, 2025

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

The Baltimore City Substance Abuse Directorate (Directorate), writes to respectfully oppose Senate Bill 604, a law that creates a new criminal penalty related to overdose deaths that we believe will not achieve its intended goal. The Directorate is a member organization composed of Substance Use Disorder (SUD) treatment programs located in Baltimore City. We strongly believe that this bill will discourage people from seeking various public health services, and will also discourage people from calling 911 when someone they're with is overdosing.

The approach of using longer and longer prison sentences to address problems related to drug use has been tried before and has failed. It has contributed significantly to the over incarceration of Black and brown people throughout our state and country. We urge the General Assembly to instead focus on proven solutions that prevent overdose, including harm reduction strategies, evidence-based treatment, and education.

The overdose epidemic has been a tragedy that has cost the lives of thousands of Marylanders. The numbers here in Baltimore City are staggering. Unfortunately, SB 604 is counterproductive despite being well-intended. Laws like SB 604 seek to prevent overdoses by using harsh penalties as a deterrent. SB 604 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, and will cost the state much more money to keep people in prison longer.

SB 604 has some protections for those reporting overdoses, but they do not apply to all scenarios. If SB 604 passes, it is likely that some who report overdoses will get prosecuted for homicide. That will discourage scores of others who use drugs from reporting overdose, potentially increasing the number of fatalities rather than improving the overdose epidemic. We hope to see Maryland continue taking steps to support harm reduction approaches and remove criminalization as a barrier to recovery. We ask that the Judicial Proceedings Committee give SB 604 an unfavorable report.

Sincerely,

Ashley Archie, LCSW-C
President