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SB 604

February 12, 2025

TO: Members of the Senate Judicial Proceedings Committee

FROM: Nina Themelis, Director of Mayor's Office of Government Relations

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

POSITION: Unfavorable

Chair Clippinger, Vice Chair Bartlett, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **opposes** Senate Bill (SB) 604.

The BCA fully supports the intent of this bill: to save lives by preventing overdose deaths. However, we are concerned that SB 604 will unintentionally undermine the State's existing efforts to combat the overdose crisis. The bill aims to increase penalties for distributing heroin or fentanyl when the use of that heroin and fentanyl results in death or serious injury. In practice, this would likely result in people using drugs alone. This is more dangerous than using drugs with another person. If someone uses opioids alone, there is no one to call emergency response services or administer naloxone (commonly known as "Narcan") in the event that they overdose. This is why public health approaches to preventing overdose deaths emphasize never using alone.^{i,ii,iii}

Imprisonment does not deter drug use or overdose – rather, it creates additional obstacles to overcoming addiction, such as making it harder to gain employment, pursue higher education, and obtain housing.^{iv,v,vi} Higher imprisonment rates do not correlate with a decrease in drug use, overdose deaths, and drug-related arrests.^{iv} In fact, studies show that drug overdoses are two-times higher for a week within 500 meters of an opioid-related drug seizure.^{vii} Perhaps most relevant to the purpose of this bill, **research clearly shows that imprisonment (whether for drug offenses or otherwise) leads to significantly higher risk of drug overdose after release.**^{vi,viii} In contrast, research shows that access to naloxone and public health initiatives like syringe service programs are more effective at reducing overdose deaths and addressing substance use disorders.^{ix}

Because the BCA stands firmly with saving lives and preventing harm, we recommend a public health, rather than criminal, approach to addressing the overdose crisis. As such, the BCA respectfully requests an **unfavorable** report on SB 604.

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- ⁱ Saint Louis County Department of Public Health. (n.d.). Harm Reduction. Retrieved from <https://stlouiscountymo.gov/st-louis-county-departments/public-health/substance-use-resources/harm-reduction/>
- ⁱⁱ New York State Office of Addiction Services and Supports. (n.d.). Harm Reduction. Retrieved from <https://oasas.ny.gov/harm-reduction>
- ⁱⁱⁱ Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County. (n.d.). Harm Reduction. Retrieved from <https://www.adamhsc.org/resources/finding-help/by-service/harm-reduction>
- ^{iv} The Pew Charitable Trusts. (March 2018). *More Imprisonment Does Not Reduce State Drug Problems: Data show no relationship between prison terms and drug misuse* [Issue Brief]. https://www.pewtrusts.org/-/media/assets/2018/03/pspp_more_imprisonment_does_not_reduce_state_drug_problems.pdf
- ^v The Massachusetts Department of Public Health. (2016). *An Assessment of Opioid Related Deaths in Massachusetts (2013-2014)*. <https://www.mass.gov/files/documents/2016/09/pg/chapter-55-report.pdf>
- ^{vi} Volkow ND. Addiction should be treated, not penalized. *Neuropsychopharmacology*. 2021;46(12):2048-2050. doi:10.1038/s41386-021-01087-2
- ^{vii} Bradley Ray, Steven J. Korzeniewski, George Mohler, Jennifer J. Carroll, Brandon del Pozo, Grant Victor, Philip Huynh, and Bethany J. Hedden: Spatiotemporal Analysis Exploring the Effect of Law Enforcement Drug Market Disruptions on Overdose, Indianapolis, Indiana, 2020–2021. *American Journal of Public Health* 113, 750_758, <https://doi.org/10.2105/AJPH.2023.307291>
- ^{viii} Binswanger IA, Stern MF, Deyo RA, et al. Release from prison--a high risk of death for former inmates [published correction appears in *N Engl J Med*. 2007 Feb 1;356(5):536]. *N Engl J Med*. 2007;356(2):157-165. doi:10.1056/NEJMsa064115
- ^{ix} “Summary of Information on The Safety and Effectiveness of Syringe Services Programs (SSPs) | CDC.” *Centers for Disease Control and Prevention*, <https://www.cdc.gov/ssp/syringe-services-programs-summary.html>.