



**Daniel Carl Torsch  
Foundation**  
New day. New beginning.

**Date:** February 14, 2025  
**Bill Number:** HB 1398  
**Position:** Unfavorable

HB1398 Criminal Law – Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death  
(*Victoria, Scottie, Ashleigh and Yader's Law*)

**The Daniel Carl Torsch Foundation strongly opposes HB1398 Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria, Scottie, Ashleigh, and Yader's Law).**

This bill of another new penalty for those who are thought to and found liable for a fatal overdose will do nothing to reduce fatal overdoses.

The grief within families and communities is enormous, and people are demanding action, This bill being considered in the Maryland General Assembly, which adds decades of prison time to drug distribution charges are not the answer. We have tried many times before to deal with the intractable problems of addiction by imposing longer and longer prison sentences, but it has never worked. These laws may be well-intentioned, but they will not help prevent the overdose of our loved ones.

I understand the appeal of this bill. I lost my son to a drug overdose in 2010 and experienced unbelievable grief, anger and pain. I wanted to put my finger on the cause of my son's death, to understand why this tragedy happened. And I wanted someone to blame.

The premise behind these types of laws offers a simple and satisfying perspective: that someone else was responsible for my son's death and must be held accountable. This made sense to me, and I supported it. I also felt called to help prevent overdose in other ways, however, and as I worked to support those struggling with addiction, I learned that things are not that simple.

My son's drug supplier was one of the dealers that the disgraced and disbanded Baltimore City's Gun Trace Task Force protected. He went to federal prison in 2018, but his incarceration did nothing to stop or slow drug overdoses in and around Baltimore. New laws and even longer prison sentences would not prevent overdose, discourage drug dealing, or reduce the prevalence of fentanyl either.

While it's true that people who distribute heroin and fentanyl are engaging in criminal behavior, charging them with murder is a gross overreach. Maryland already has laws in place to deal with drug dealers. Indeed, the state passed legislation in 2017 to impose longer sentences on anyone convicted of distributing fentanyl. This law increased the maximum penalty to 30 years in prison for the dealers who are contributing to the overdose crisis. There is simply no need to introduce yet another law.

Moreover, if this bill is passed it could make the overdose problem worse by undermining the Maryland Good Samaritan law that provides important protections to those who report overdoses in good faith. It's a crucial safeguard designed to encourage people to report overdoses without fear of legal repercussions.

I recently met with a group of women from Halo Recovery in Baltimore who shared a story on how the Good Samaritan law saved a life. With tears streaming down her face, one of the women described how she was terrified of calling for help when a family member overdosed, but she did call. The police showed up

before EMS and assured her that they were not going to arrest either of them. The next day, the woman and family member entered treatment.

If these laws are enacted, this protection and the lives it saves could be significantly weakened. Stories of people being charged under this new law for overdose deaths will inevitably circulate through communities, and the result will be clear: fewer people will report overdoses or seek medical help for fear of harsh criminal penalties. And while proponents of this bill argue that they offer protections for those reporting overdoses, the reality is that law enforcement and prosecutors can easily sidestep these protections. We've seen this play out in other states, where the subjective nature of who is culpable for an overdose make this prone to misuse and overreach.

Instead of returning to the failed approach of piling on more harsh penalties that don't solve the problem, Maryland should focus on evidence-based solutions that work. We know that there is not a new miracle drug treatment or incarceration law that has helped reduce overdose deaths. We know what has helped prevent overdoses and support recovery: widespread naloxone distribution, harm reduction and peer recovery services, medications for opioid use disorder like suboxone and methadone. These interventions have been shown to prevent fatal overdoses and appear to be working. The state has seen a sharp decline in overdoses in the past year and should stay the course with these evidence-based approaches. Please do not take us steps backward. Maryland can continue to lead the way by rejecting this bill and focus on solutions that save lives.

We are respectfully requesting an unfavorable report.

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