



Montgomery County Federation of Families for Children's Mental Health, Inc.

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**House Judiciary Committee
TESTIMONY IN OPPOSITION**

*HB 1398 - Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death
(Victoria, Scottie, Ashleigh, and Yader's Law)*

I am Celia Serkin, Executive Director of the Montgomery County Federation of Families for Children's Mental Health, Inc. (MC Federation of Families), a family peer support organization serving diverse families in Montgomery County who have children, youth, and/or young adults with mental health, substance use, or co-occurring challenges. MC Federation of Families has been providing family peer services for almost 20 years to families in Montgomery County. Our Family Peer Specialists are parents who have raised or are currently raising children with these challenges. I am a Montgomery County resident and have two children, now adults, who have struggled since childhood with mental health challenges. My son has debilitating depression. My daughter has co-occurring challenges.

MC Federation of Families strongly opposes HB 1398 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, HB 1398 is counterproductive despite being well-intended. Laws like HB 1398, often called drug-induced homicide (DIH) laws, seek to prevent overdose by using harsh penalties as a deterrent. HB 1398 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 HB 1398 will be negligible, it will impact mass incarceration and state prison costs.

DIH laws like HB 1398 also have unintended consequences. DIH prosecutions will discourage people who use drugs from reporting potentially reversible overdoses for fear of harsh criminal penalties. HB 1398 has some protections for those reporting overdoses but they do not apply to all scenarios. If HB 1398 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.

I have personally lost loved ones due to overdoses and witnessed these tragedies at my work and in the community. My ex-husband, the father of my children, died from an overdose. A young lady in her thirties who was like a second daughter to me died because of her addiction. Two adult sons of one of our employees died from an overdose. We need proven solutions that prevent overdose like evidence-based treatment and education. Naloxone distribution; The Good Samaritan Law; peer recovery services; medications for opioid use disorder, like suboxone and methadone; and easy-to-access treatment services all are effective and have already contributed to a decline in overdoses. Harsher penalties have never been shown to be effective. They will not reduce overdoses. They, however, will produce unattended negative consequences.

The General Assembly should focus on investments in prevention and treatment rather than new harsh penalties. **MC Federation of Families urges the House Judiciary Committee to oppose HB 1398.**