

Chair Luke Clippinger
House Judiciary Committee
100 Taylor House Office Building
Annapolis, Maryland 21401

February 18, 2025

RE: House Bill 1398- Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria, Scottie, Ashleigh, and Yader's Law Law) – UNFAVORABLE

Dear Chair Clippinger and Members of the House Judiciary Committee,

I am writing on behalf of the **Maryland Alliance for Sensible Drug Policy (MASDP)** – a newly formed membership organization led by individuals with lived and living experience with substance use – to express our **strong opposition to House Bill 1398, the proposed Drug-Induced Homicide (DIH) legislation**. As a survivor of addiction and the War on Drugs, I have witnessed firsthand the devastating impact of punitive drug policies on individuals, families, and communities. This bill represents a dangerous regression, reviving the failed prohibitionist approaches of the past and exacerbating the harms they have already inflicted.

There is no evidence that DIH laws prevent overdose deaths. Since 2011, states across the country have been jumping on the DIH bandwagon and the number of these laws has increased by more than 300%. If such laws were effective, we would expect to see a reduction in fatal overdoses. Yet, from 2003 to 2023 the age-adjusted rate of drug overdose deaths increased 252%. DIH laws are performative, offering a false promise of justice while failing to address the root causes of substance use disorder or the overdose crisis.

The reality is that most people who sell drugs are not dangerous traffickers or kingpins—they are individuals struggling with addiction, often selling substances simply to support their own survival. In states with DIH laws, studies have shown that half of those charged had minimal involvement in drug sales, frequently only sharing or facilitating access rather than engaging in large-scale distribution; most were friends, family members, and romantic partners of the deceased—people who are often devastated by the loss themselves. If this misguided bill were adopted, we can expect the same outcomes here in Maryland.

Furthermore, we now know that every harm we associate with illicit substances—overdose deaths, violence, contaminated drug supplies, and mass incarceration—is either caused or exacerbated by prohibitionist policies like DIH laws. Instead of criminalizing people who use drugs and those in their social circles, we should invest in proven public health strategies such as harm reduction services, expanded access to treatment, and community-based recovery support.

Please do not repeat the mistakes of the past by doubling down on punitive approaches that only cause more harm. **We respectfully urge the House Judiciary Committee to give House Bill 1398 an unfavorable report.**

Thank you for your time and consideration.

Sincerely,

Thomas C. Higdon
Executive Director
Maryland Alliance for Sensible Drug Policy
thigdon@masdp.org
443-362-2764