



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

February 18, 2025

TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

FROM: Marc Elrich
County Executive

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

Support

I am writing to express my support for House Bill 1398, *Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria, Scottie, Ashleigh, and Yader’s Law)*. The bill would prohibit an individual from distributing heroin or fentanyl that results in the death or serious bodily injury to another. The penalty upon conviction would increase from 10 years in jail to up to 20 years in jail – in alignment with federal law. The bill would further allow for the prosecution of a person to be brought in either the County where the drug violation occurred or in the County where the death or serious injury from the drug occurred. The bill includes the names of two Montgomery County teenagers, Yader Rosa Flores and Ashleigh Edwards, who were lost to drug overdoses in 2022 and 2023, respectively.

Like the rest of the United States, Montgomery County has seen an increase in fentanyl overdose deaths that have had a heartbreaking impact on many families in our communities. While the deaths attributed to fentanyl have shown decreases in the last year based on provisional data from the Centers for Disease Control’s National Center for Health Statistics, there are still expected to be more than 100,000 overdose deaths in the United States this year. And it’s no wonder. The Drug Enforcement Administration reports that fentanyl can be approximately 50 times more potent than heroin and 100 times stronger than morphine.

This is a serious issue, and individuals trafficking in deadly synthetic opioids must understand there will be criminal penalties for being involved in the distribution of what can lead to a fentanyl-induced death or serious bodily injury. To be clear, however, the overdose crisis is complicated and will require more than enhanced penalties to deal with it. I would urge that in addition to this penalties legislation, that the State continue to focus on substance abuse disorder efforts including expanding medication-assisted treatment, enhanced linkages to care, and increased funding for counseling and behavioral therapy. Maryland families deserve that.

To that end, I urge that the Committee adopt a favorable report on House Bill 1398.