

HEALTH CARE FOR THE HOMELESS TESTIMONY

OPPOSITION

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

**House Judiciary Committee
February 18, 2025**



Health Care for the Homeless opposes HB 1398 as a dangerous and misguided approach to address the opioid overdose epidemic that plagues our State. This bill prohibits an individual from distributing heroin or fentanyl or chemical analogues of heroin or fentanyl, the use of which results in the death or serious bodily injury of another. Our organization joins a number of health care providers and organizations advocating for vulnerable populations in opposing this ‘drug-induced homicide’ (“DIH”) bill. This bill will not prevent overdose, deter drug distribution, or reduce the prevalence of fentanyl in the drug supply.

Health Care for the Homeless provides comprehensive and integrated health care, including a robust and growing program to address and treat opioid use disorder. We see firsthand how the overdose epidemic has ravaged our communities. About 2,500 people have died of a fatal overdose every year since 2018. Understandably, grieving families and an alarmed public demand action. However, as clinical experts in overdose prevention strategies, we know this bill will be counterproductive to preventing fatal overdoses in our State.

DIH laws like this bill aim to deter drug distribution through enhanced criminal penalties for drug distribution that leads to a fatal overdose. However, harsher penalties have never been shown to be effective. Furthermore, we are extremely concerned that the bill will lead to other unintended consequences by leading people who use drugs further into the shadows and reducing the likelihood that potentially reversible overdoses are reported. This chilling effect is more likely to increase fatalities and heartbreak rather than making any public health improvement. According to our Harm Reduction Manager, Molly Greenberg, RN:

Our clients experience stigma at every turn, often leading to internalized shame, disengagement with healthcare, and isolation from all of the systems and people who have abandoned them. Loneliness and fear are proven to be associated with overdose, so our number one responsibility is to create an environment in which people feel they will be met with compassion at every single encounter. Thoughtful overdose prevention strategies moves us away from dehumanizing punitive practices and towards a culture of connection and healing in a way that is meaningful to each individual person.

The further criminalization of substance use prevents individuals from seeking supportive services. When there is less fear of punishment or arrest by police, individuals feel safer accessing treatment.

Maryland has made great strides in putting in place effective overdose prevention strategies. Let’s not move backwards. Instead, Maryland should recommit to their commitment to reframing

substance use as a public health issue, not a criminal one. **As a health provider that sees how crucial and life-saving harm reduction and decriminalization are for the clients we serve, Health Care for the Homeless urges the committee to issue an unfavorable report on HB 1398.**

Health Care for the Homeless is Maryland's leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. We deliver medical care, mental health services, state-certified addiction treatment, dental care, social services, housing support services, and housing for over 12,000 Marylanders annually at sites in Baltimore City and Baltimore County.

Our Vision: Everyone is healthy and has a safe home in a just and respectful community.

Our Mission: We work to end homelessness through racially equitable health care, housing and advocacy in partnership with those of us who have experienced it.

For more information, visit www.hchmd.org.