



February 18, 2025

**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)*

The Maryland Coalition of Families: Maryland Coalition of Families (MCF) is a statewide nonprofit organization that provides family peer support services at no cost to families who have a loved one with mental health, substance use, or problem gambling disorder. Using their personal experience as parents, caregivers, and other loved ones, our staff provide emotional support, resource connection, systems navigation, support groups, and educational training and workshops.

Maryland Coalition 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, HB1398 is counterproductive despite being well-intended. Laws like HB1398, often called drug-induced homicide (DIH) laws, seek to prevent overdose by using harsh penalties as a deterrent. HB1398 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 HB1398 will be negligible, it will impact mass incarceration and state prison costs.

DIH laws like HB1398 also have unintended consequences. DIH prosecutions will discourage people who use drugs from reporting potentially reversible overdoses for fear of harsh criminal penalties. HB1398 has some protections for those reporting overdoses but they do not apply to all scenarios. If HB1398 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.

Maryland Coalition of Families served nearly 5,000 Families last year; 15% of those families have a loved one with substance use and co-occurring disorders. Losing a loved one to an overdose is tragic and traumatic and an experience no family should have to endure. The provisions outlined in SB 604 could potentially discourage someone from calling for help during an overdose and contribute to an increase in deaths by overdose.

The General Assembly should focus on investments in prevention and treatment rather than new harsh penalties. **Maryland Coalition of Families urges the House Judiciary Committee to oppose HB1398.**

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