

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)*

Dear Chair Clippinger and House Judiciary Committee Members,

My name is Darci Curwen-Garber and I am writing to strongly oppose **HB 1398 - Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria, Scottie, Ashleigh, and Yader's Law)**. I have worked in public health and social services for over a decade - in local and state health departments, community clinics, homeless shelters, adult wrap-around programs, and I currently work at a syringe service program in Baltimore City. We all want to stop overdose deaths - with rage and grief, I can honestly say that I don't know anyone who hasn't lost someone from an overdose death. But to do so, we must act on what we know works and reject what doesn't. We know:

**A clear simple line between 'drug users' and 'drug dealers' does not exist.**

- Sponsors of this bill have emphasized that this bill intends to target drug dealers, not drug users who may have a substance use disorder - this binary does not exist in the reality of drug use in Maryland.
- There are no 'free drugs' - even between friends, the exchange of drugs almost always comes with an exchange of services or goods. This exchange of services and goods is how many people who use drugs survive - they are forced to rely on each other for shelter, food, money, transportation, etc. when they have little to no access to these essentials individually.
- Syringe service participants engage in services to reduce the risks of drug use (HIV and Hepatitis C, wounds, overdose, death) and to improve their quality of life. Some of these participants also sell drugs. They are not malicious nor rich - many continue to live in abandoned buildings and in extreme poverty.

**Longer prison sentences do not deter crime nor improve safety.**

- A 2021 meta-analysis of 116 studies found that custodial sentences do not prevent reoffending and can actually increase it.<sup>1</sup> This adds to a large body of research that confirms the same.

**Higher drug imprisonment rates do not fix state drug problems.**

- The Pew Charitable Trusts recently completed an extensive analysis of data from federal and state law enforcement, corrections, and health agencies. Their report confirms there is no relationship between state drug imprisonment rates and self-reported drug use, drug overdose deaths, and drug arrests.<sup>2</sup>

**Increasing penalties does not stop overdose deaths - it increases overdose deaths.**

- Even with Good Samaritan laws, Marylanders who use drugs are still hesitant and fearful of calling 911 during an overdose. This is an understandable, logical, and heavily researched reaction.<sup>3</sup> Increasing penalties will not stop the selling of drugs nor drug use, but it will further stop Marylanders calling for help when it's most needed.
- Incarceration is extremely deadly for people who use drugs. A 2023 systematic review reports that opioid overdose deaths are 27x higher than expected during the first 2 weeks after release from detention.<sup>4</sup>

I love that this bill includes the names of people who have died from overdose - it declares proudly that we love and care about people who use drugs. We care about their names, who they were, what they meant to the people closest to them, and how we continue to carry parts of them with us. Enacting a law that will undoubtedly harm and criminalize other people who use drugs is not the answer.

Several bills have been presented this legislative session that have the power to reduce overdose deaths in Maryland - based on all evidence, data, and research, this is not one of them. The overdose crisis in Maryland demands action and I urge the General Assembly to act thoughtfully, compassionately, and effectively.

**For these reasons, I strongly request the House Judiciary Committee to oppose HB1398.**

Sincerely,

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