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HB1386

March 10, 2026

TO: Members of the House Judiciary Committee

FROM: Nina Themelis, Director, Mayor's Office of Government Relations

RE: House Bill 1386 – Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria, Scottie, Ashleigh, and Yader's Law)

POSITION: UNFAVORABLE

Chair Bartlett, Vice Chair Davis, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **opposes** House Bill (HB) 1386.

The bill would increase penalties for distributing heroin and/or fentanyl when the use of that heroin and/or fentanyl results in death or serious injury. The BCA fully supports the intent of this bill: to save lives by preventing overdose deaths. However, we are concerned that HB 1386 will unintentionally undermine the State's existing efforts to combat the overdose crisis. Specifically, the BCA is concerned that this bill will result in the following:

- **More people using drugs alone – meaning there will be no one to call for help if they overdose.** Laws like the one proposed here can cause more people to use alone, because they are afraid to be arrested if someone they are using drugs with overdoses. If someone uses opioids alone, there is no one to call emergency response services or administer naloxone (commonly known as “Narcan”) if they overdose.^{i,ii,iii}
- **Criminalization of friends and family.** The BCA understands that this bill intends to address drug dealing. However, in states that have enacted similar laws, 50% of prosecutions were against friends, family, and romantic partners of the deceased.^{iv}
- **Additional obstacles to overcoming substance use disorder.** Imprisonment does not deter drug use – it creates additional obstacles to overcoming addiction, like making it harder to gain employment, pursue higher education, and obtain housing.^{v,vi}
- **Increased overdoses as a result of increased incarceration.** States with higher drug imprisonment rates do not have lower rates of drug use or overdose deaths.^{vii} Rather, research shows that imprisonment leads to a significantly higher risk of drug overdose after release.^{vi,viii} This is because individuals' tolerance to drugs decreases while they are incarcerated, so if/when they use drugs after they are released, their bodies are more vulnerable to overdose.

- **A less efficient use of taxpayer dollars.** Taxpayer dollars would go further toward ending the overdose crisis if they were spent on treatment, rather than imprisonment. It costs the State of Maryland nearly \$60,000 each year to keep one person incarcerated.^{ix} By contrast, a year of evidence-based medication for opioid use disorder – the gold standard of treatment – can cost less than \$6,000.^x

Because the BCA stands firmly with saving lives and preventing harm, we recommend a public health, rather than criminal, approach to addressing the overdose crisis. As such, the BCA respectfully requests an **unfavorable** report on HB 1386.

ⁱ Saint Louis County Department of Public Health. (n.d.). Harm Reduction. Retrieved from <https://stlouiscountymo.gov/st-louis-county-departments/public-health/substance-use-resources/harm-reduction/>

ⁱⁱ New York State Office of Addiction Services and Supports. (n.d.). Harm Reduction. Retrieved from <https://oasas.ny.gov/harm-reduction>

ⁱⁱⁱ Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County. (n.d.). Harm Reduction. Retrieved from <https://www.adamhscc.org/resources/finding-help/by-service/harm-reduction>

^{iv} Beletsky, Leo (2019) "America's Favorite Antidote: Drug-Induced Homicide in the Age of the Overdose Crisis," Utah Law Review: Vol. 2019: No. 4, Article 4. DOI: https://doi.org/10.63140/igcy_z3qq4

^v The Massachusetts Department of Public Health. (2016). *An Assessment of Opioid Related Deaths in Massachusetts (2013-2014)*. <https://www.mass.gov/files/documents/2016/09/pg/chapter-55-report.pdf>

^{vi} Volkow ND. Addiction should be treated, not penalized. *Neuropsychopharmacology*. 2021;46(12):2048-2050. doi:10.1038/s41386-021-01087-2

^{vii} Pew. (2018). More Imprisonment Does Not Reduce State Drug Problems. Retrieved from <https://www.pew.org/en/research-and-analysis/issue-briefs/2018/03/more-imprisonment-does-not-reduce-state-drug-problems#4-drug-imprisonment-varies-widel>

^{viii} Binswanger IA, Stern MF, Deyo RA, et al. Release from prison--a high risk of death for former inmates [published correction appears in *N Engl J Med*. 2007 Feb 1;356(5):536]. *N Engl J Med*. 2007;356(2):157-165. doi:10.1056/NEJMsa064115

^{ix} Maryland State Archives. (2025). Maryland at a Glance: Criminal Justice. Retrieved from <https://msa.maryland.gov/msa/mdmanual/01glance/html/criminal.html>

^x National Institute on Drug Abuse. (2018). Medications to Treat Opioid Use Disorder. Retrieved from https://nida.nih.gov/sites/default/files/21349-medications-to-treat-opioid-use-disorder_0.pdf?utm_source=chatgpt.com