



Testimony of Reprieve US in support of House Bill 1542 (FAV)
Submitted to the House Judiciary Committee

March 6, 2026

Chair Bartlett, Vice Chair Davis, members of the Committee, Reprieve US appreciates the opportunity to submit testimony in support of House Bill 1542: *An Act concerning Public Health – Goods, Services, or Technologies Used in Death Sentences – Prohibition*.

Reprieve US has worked on issues related to the death penalty for more than 20 years, with a particular focus on lethal injection, the dominant method of execution. We have advised pharmaceutical companies on how to protect their lifesaving medicines from use in executions. And we host the [Lethal Injection Information Center](#), a resource with detailed information on lethal injection and on the healthcare industry’s efforts to protect their products from this misuse.

Reprieve US supports HB 1542, a bill that promotes public health and drug safety by ensuring that Maryland companies are not in the business of knowingly supplying drugs or devices for use in executions—a practice routinely marked by dubious, dangerous, and even illegal activity.

HB 1542 focuses on the supply of drugs or devices for executions. It is worth quickly explaining what that supply looks like, how it contributes to executions that cause enormous suffering, and why all legitimate businesses, including the entire healthcare industry, want no part of it.

Lethal injection is a non-medical procedure. There is no drug made for executions. No drug has ever been approved by the US Food and Drug Administration (FDA) or clinically tested for that purpose. Lethal injection takes what are meant to be life-saving medicines and administers them in experimental doses and “cocktails” that are clinically unstudied, to kill a human being. It is high-stake guesswork [and routinely goes wrong](#), resulting in high-profile botched executions marked by extreme and often prolonged suffering. Unsurprisingly, the companies that make these drugs do not support their use in executions and have put in place controls to stop such misuse.

Rather than respecting the position of the companies that make these medicines, executing states have used illicit and at times illegal means to acquire drugs for executions, under cover of secrecy. Secrecy is the foundation of how executions are carried out. And the type of company willing to secretly supply states drugs, despite the opposition of the drug’s manufacturer, looks like what you’d imagine: companies marked by dubious and often illegal practices that threaten public health. HB 1542 only legislates against that type of unscrupulous activity.

HB 1542 aligns Maryland law with the longstanding healthcare industry standard

Every pharmaceutical company that makes drugs sought for use in executions, including companies that are large employers in Maryland, opposes the use of their medicines in executions.

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Over the last 15 years, companies have issued [public statements](#) and put robust controls in place to stop their products from being sold for that purpose.

That position isn't about politics. These medicines are meant to treat patients. The use of these drugs in executions carries legal and commercial risks for pharmaceutical companies.

Other industries have taken the same approach. Nitrogen gas companies [have said](#) they do not want their products—which preserve food and support manufacturing—used in executions. Professional associations of doctors, nurses, and pharmacists [have said](#) their members should not be involved in executions. This, too, is not a political position. Rather, these associations are giving guidance to protect their members from the legal and professional harms that flow from participation in an unscientific, non-medical procedure that ends a human life. This bill simply gives Maryland the authority to enforce in law what the industry has already established in practice.

Because companies have drawn these clear lines, there is [no legitimate market](#) for execution drugs. The business of executions happens in secret, illicit exchanges. Suppliers for executions have delivered drugs in [parking lots](#), exchanged drugs for [suitcases full of cash](#), and carried drugs across state lines in [private jets](#), all to avoid detection and pharmaceutical companies' restrictions. When one state obtained drugs by concealing the true buyer and purpose, a manufacturer characterized the conduct as [“fraud”](#). In another state last year, prison officials [met suppliers](#) on a dusty road, exchanging controlled substances stored in cardboard boxes in a car's backseat.

[Every compounding pharmacy known to have supplied drugs for executions](#) has been found to have committed serious legal or safety violations. One compounding pharmacy offered to supply drugs to three states despite not holding a license to dispense controlled substances in any of them; a later investigation uncovered [nearly 2,000 health and safety violations](#). Another compounding pharmacy [that supplied](#) one state was later prohibited by the DEA from dealing in controlled substances after a series of violations, including ties to a patient death by fentanyl overdose.

HB 1542 protects legitimate businesses from being drawn into the secret supply chain used for executions. Other state legislatures, including [Connecticut's](#), have introduced similar bills.

HB 1542 reinforces the drug safety system that Maryland residents depend on

Drug safety in Maryland and across the country depends on the integrity of the [closed distribution system](#)—the limited, controlled, and regulated network by which medicines get from manufacturers to patients. [Public health experts](#), [drug regulators](#), and [pharmaceutical manufacturers](#) have all said, [repeatedly](#), that when that system is broken, it puts public health and safety at risk. It puts the residents of Maryland at risk.

The supply of drugs for executions breaks that closed distribution system. When states obtain controlled substances like pentobarbital and fentanyl through secret, unregulated channels, those same channels become conduits for drugs that may be counterfeit or contaminated to reach ordinary patients. This is [not theoretical](#). Unapproved drugs intended for executions have been

documented reaching the general public and patient populations. Secrecy laws, which hide from the public information about the drugs being acquired for executions, increase the risks further.

HB 1542 helps Maryland enforce drug safety laws and keep dangerous practices out of the state. It protects the integrity of the medicines people rely on.

HB 1542 avoids Maryland companies having any association with inhumane executions

Executions [routinely go wrong](#). That is inevitable, since lethal injection and nitrogen gas suffocation are experimental, non-medical procedures that rely on secrecy and illicit activity.

In 2025 alone, there were [botched executions associated with each execution method used](#). [Detailed analyses](#) have shown lethal injection, the primary method, is most often prone to error and suffering. [Reprive's own extensive research](#) and quantitative analysis found that Black prisoners are disproportionately likely to experience botched lethal injection executions, extending documented racial bias in capital punishment into the execution chamber.

Companies face legal, fiscal, and reputational risks when they supply for executions. As a reflection of those risks, and of wider legal and regulatory risks associated with any company engaged in such activity, insurance companies have started to ask manufacturers and pharmacies seeking coverage whether they supply for executions. HB 1542 would ensure no one uses a Maryland license to engage in this problematic practice.

HB 1542 is only about the knowing supply of drugs or devices for executions

Finally, it's important to stress what HB 1542 would and would not do, based on the bill's plain language. It does *not* affect the important, therapeutic uses of any drug or device. It does *not* impact veterinary euthanasia. HB 1542 is specific and clear: it would only jeopardize the license of a company that sells drugs or medical devices knowing the person acquiring them intends to use them "to carry out a death sentence."

Unless a company *knowingly* supplies for executions, this bill will not affect them. The trade of drugs and devices for all the uses for which manufacturers of those products make them, and all the uses for which regulators have approved them, will continue without hindrance.

The bill also does *not* tell other states what they can or cannot do. HB 1542 is about the activities of Maryland companies. It does what many other licensing laws and regulations already do: ensure that companies follow a state's laws and conduct their business in a way that is consistent with the state's public interest.

HB 1542 would give Maryland authority to stop companies from using their license in the state to help carry out executions elsewhere. It would make Maryland a leader on this issue, as other states pursue similar legislation.

We thank you for your consideration of our testimony.