

March 10, 2025

**House Judiciary Committee
TESTIMONY IN OPPOSITION**

*HB 1386 - Criminal Law - Distribution of Heroin or Fentanyl Causing Death or Serious Bodily Injury
(Victoria, Scottie, Ashleigh, and Yader's Law)*

My name is Zachary Kosinski. I am a born and raised Marylander, a person living in long-term substance use recovery, a harm reductionist, and currently Director of Harm Reduction at Behavioral Health System Baltimore, Inc.

I, Zachary Kosinski, strongly oppose HB 1386 - Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria, Scottie, Ashleigh, and Yader's Law). This bill would create harsh new penalties for individuals found liable for distributing heroin or fentanyl if someone gets seriously hurt or dies after using the drugs. This approach of increasing prison sentences to address problems related to drug use has been tried before and has never worked. I urge the General Assembly to instead focus on proven solutions that prevent overdose like evidence-based substance use treatment.

HB 1386 is a well-intentioned response to Maryland's overdose crisis, but it will have the unintended consequences of making a fatal overdose more likely for more Maryland families. Laws like HB 1386, often called drug-induced homicide (DIH) laws, do not discourage drug use, deter drug dealing, or reduce the prevalence of fentanyl in the drug supply. HB 1386 will instead lead to further mass incarceration and ballooning state prison costs.

DIH laws like HB 1386 also discourage reporting potentially reversible overdoses due to fear of DIH prosecution. This year's law includes no Good Samaritan protections for individuals potentially liable under the bill even if they report the overdose in good faith. Stories of harsh penalties and DIH prosecutions will circulate and will lead people who use drugs to be hesitant to reach out for help. This could make Maryland's overdose crisis worse at a time when we are finally seeing progress in preventing fatal overdose.

In my years of active drug use, before finding recovery, it was my experience that many people who use drugs also sell drugs in order to sustain their own drug use. This is also my professional experience, leading the harm reduction work at Behavioral Health System Baltimore where we offer overdose prevention services to people who use drugs in Baltimore. Most people charged with drug possession and intent to distribute in Maryland are not high-level drug traffickers. They are average people with substance use disorders who sell drugs in order to support their own drug use or to escape their current economic circumstances. The solutions to this are improved access to evidence-based services, greater economic opportunity, and less stigma against people who use drugs. The law already adequately provides ways to hold high-level drug traffickers accountable. This bill, if passed, would do little to decrease overdose, decrease drug use, decrease drug sales, or improve the lives of Marylanders. In fact, it is more likely that it would further trap average Marylanders in a cycle of incarceration, release, return to use, and reincarceration, a cycle which is factually associated with greater overdose risk. No one should die by overdose, but this bill is not the answer and will do nothing to save the lives of the thousands of Marylanders who remain at risk of overdose in our communities today.

The General Assembly should focus on prevention and treatment rather than new harsh penalties. **I, Zachary Kosinski, urge the House Judiciary Committee to oppose HB 1386.**