



# Maryland Alliance for Sensible Drug Policy

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March 10, 2026

The Honorable J. Sandy Bartlett  
Chair, House Judiciary Committee  
101 Taylor House Office Building  
Annapolis, Maryland 21401

**RE: HB1386 – Criminal Law - Distribution of Heroin or Fentanyl Causing Death or Serious Bodily Injury (Victoria, Scottie, Ashleigh, and Yader's Law) – UNFAVORABLE**

Dear Chair Bartlett, Vice Chair Davis, and members of the committee:

I am submitting this testimony in strong opposition to HB1386 on behalf of the Maryland Alliance for Sensible Drug Policy (MASDP), a state-wide advocacy group led by people with lived or living experience with substance use.

The bill would make a new felony offense for distribution of heroin or fentanyl when it results in death or serious bodily injury, as well as adding up to 20 years on top of the existing penalties for those offenses and requiring these sentences to run consecutively. This is the very type of drug-induced homicide (DIH) legislation that public health experts have repeatedly stated would cause more harm than good, increasing the number of overdoses as opposed to reducing them.

## **Why DIH laws make overdose more likely**

People who use drugs are not "bad actors." They are your next-door neighbor, coworker, parent, and loved one. Many of the tragic cases of overdose involve individuals who both supplied the drug and were also using the drug at the time of the overdose; in fact, in many instances, the individual who supplied the drug is the only other person present. The effect of drug-induced homicide laws is that they turn an overdose into a crime scene and create obstacles to making life-saving choices quickly.

- **They discourage 911 calls and undermine overdose response.**

It has been consistently shown that there is a fear of being arrested or facing prosecution that prevents individuals from calling 911 when they witness an overdose.<sup>1</sup> Public Health advocates understand this issue and created Good Samaritan laws to incentivize individuals to call 911 and seek assistance when an overdose occurs.<sup>2</sup> HB1386 offers no meaningful Good Samaritan safeguard for someone who might be considered "liable" under this new offense, and people in the community will hear about DIH prosecutions and they will stop calling 911 during an overdose.

- **They do not deter drug use or drug dealing**  
Researchers have found that DIH prosecutions do not improve public health outcomes, but rather divert limited resources away from prevention and treatment.<sup>3</sup> The scientific literature on DIH policies similarly suggests that such policies may increase the likelihood of overdose and do not have empirical support for deterring drug use or drug sales.<sup>4</sup>

### **What Maryland should do instead: focus on proven approaches**

If we want fewer families to lose a loved one, Maryland should invest in what works.

- **Remove criminal penalties for personal use drug paraphernalia.** Criminalizing drug paraphernalia use discourages use of safer supplies and increases interaction with law enforcement. It increases the danger associated with infection and overdose and limits opportunities for connection to services.
- **Increase the capacity of harm-reduction programs** offering naloxone distribution, overdose education, syringe services, wound care, and real connections to treatment and recovery supports.
- **Expand drug checking** so people can make informed decisions when faced with an increasingly toxic drug supply.
- **Invest in evidence-based treatment** (including medications for opioid use disorder) with low barriers, rapid access, and continuity of care.
- **Strengthen recovery support** services such as peer recovery support, recovery housing and employment supports to help individuals achieve stability and maintain their recovery.

### **Request**

HB1386 will increase the likelihood that an overdose becomes fatal by making people more afraid to call for help, while offering no evidence-based path to reducing drug use or preventing overdose. For these reasons, MASDP respectfully requests an **unfavorable** report on HB1386. Thank you for your consideration. If we can be a resource to the Committee, please feel free to contact us.

Respectfully submitted,

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<sup>1</sup> Byles, H., et al. (2024). Review: Barriers to calling emergency services amongst people who use drugs in overdose events. International Journal of Drug Policy. <https://www.sciencedirect.com/science/article/pii/S0955395924002433>.

<sup>2</sup> Schneider, K. E., et al. (2020). Knowledge of Good Samaritan laws and beliefs about calling 911 for opioid overdose. Health Promotion Practice. <https://pmc.ncbi.nlm.nih.gov/articles/PMC7238711/>.

<sup>3</sup> Fair and Just Prosecution. (2022). Drug induced homicide prosecutions. <https://fairandjustprosecution.org/wp-content/uploads/2022/07/FJP-Drug-Induced-Homicide-Brief.pdf>.

<sup>4</sup> Carroll, J. J., et al. (2021). Drug induced homicide laws may worsen opioid related harms. International Journal of Drug Policy. <https://www.sciencedirect.com/science/article/abs/pii/S095539592100311X>.