

March 6, 2026



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

**RE: Opposition of House Bill 1386**

**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 House Judiciary Committee Members,

The Baltimore Harm Reduction Coalition (BHRC) writes in **strong opposition** to **House Bill 1386 - Criminal Law - Distribution of Heroin or Fentanyl Causing Death or Serious Bodily Injury (Victoria, Scottie, Ashleigh, and Yader's Law)**.

BHRC is an overdose response program and one of 29 MDH-authorized syringe service programs. We share the same goal as this bill's sponsors: to prevent overdose deaths. We partner with local churches for daily street outreach to ensure that people who use drugs have critical survival items and connections to stabilizing care. Each week, we directly engage with more than 300 community members and regularly reverse overdoses during outreach. We responded immediately to the first Penn North mass overdose event because we were already there doing this work. Our staff have lived experience with drug use and overdose loss, and we carry the memory of those we've lost to overdose everyday. **We are intimately aware of the reality of drug use in Maryland, the grief and trauma that comes with overdose, and the strategies proven to prevent overdose deaths.** It is precisely because of this experience *and decades of evidence* that we must be clear: HB 1386 will increase overdose deaths, not reduce them.

**1. The bill is based on a false dichotomy between 'drug sellers' and 'drug users'.**

Sponsors of this bill have emphasized that this bill intends to target drug sellers, not drug users who may have a substance use disorder - this clear binary does not exist. People who use drugs often share or sell drugs to support their own survival, avoid withdrawal, or navigate extreme poverty. Even between friends and family members, sharing drugs regularly comes with an exchange of money. Some of our participants - the same participants who are trying to prevent HIV, wounds, overdose, and death - also sell drugs. They are not malicious or rich and many continue to live in abandoned buildings. HB 1386 will criminalize people who use drugs, not eliminate drug markets.

**2. Harsher criminal penalties do not improve public safety or deter drug activity.**

It has been consistently proven that longer incarceration sentences do not prevent reoffending and can increase it.<sup>1</sup> Extensive national data also shows no relationship between drug imprisonment rates and reductions in drug use, overdose deaths, or drug arrest.<sup>2</sup> Increasing penalties does not solve drug use. It only increases incarceration.

**3. Laws like HB 1386 directly make overdoses more deadly.**

We consistently see that people who use drugs already hesitate to call 911 during an overdose because they fear police interaction or arrest. This is an understandable, logical, and heavily researched reaction.<sup>3</sup> Increasing criminal penalties that are not protected by the Good Samaritan law will intensify that fear and further discourage lifesaving calls for help.

We deeply honor the lives named in this bill. Naming them affirms that they matter and that they are loved, just like our loved ones. We share the same grief and the same urgency to prevent future loss. Policies that increase criminalization of people who use drugs will only deepen and this loss. 50+ years of the War on Drugs has proven definitively that we cannot incarcerate our way out of the overdose crisis. Maryland has the opportunity to pursue policies that are proven to reduce overdose deaths: HB 1386 is not one of them. **We respectfully urge the Committee to give House Bill 1386 an unfavorable report and instead support evidence-based solutions that preserve life, dignity, and public health.**

For more information about this position, please contact Darci Curwen-garber, BHRC Policy Manager, at [darci@baltimoreharmreduction.org](mailto:darci@baltimoreharmreduction.org).

Sincerely,

The Baltimore Harm Reduction Coalition (BHRC)

1. Petrich, D. M., Pratt, T. C., Jonson, C. L., & Cullen, F. T. (2021). Custodial Sanctions and Reoffending: A Meta-Analytic Review. In *Crime and Justice* (1 ed., pp. 353-424). (Crime and Justice; Vol. 50, No. 1). University of Chicago Press. <https://doi.org/10.1086/715100>
2. The Pew Charitable Trusts. (2018, March 8). *More imprisonment does not reduce state drug problems*. <https://www.pew.org/en/research-and-analysis/issue-briefs/2018/03/more-imprisonment-does-not-reduce-state-drug-problems>
3. Byles, H., Sedaghat, N., Rider, N., Rioux, W., Loverock, A., Seo, B., Dhanoa, A., Orr, T., Dunnewold, N., Tjosvold, L., & Ghosh, S. M. (2024). Barriers to calling emergency services amongst people who use substances in the event of overdose: A scoping review. *The International journal on drug policy*, 132, 104559. <https://doi.org/10.1016/j.drugpo.2024.104559>