

March 10, 2026

**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)

James' Place Inc. is a non-profit organization providing scholarships for those suffering substance use disorders as they transition from treatment into recovery housing. **James' Place Inc. strongly opposes HB 1386 - Criminal Law.**

This bill would create additional harsh penalties for individuals found liable for distributing heroin or fentanyl if someone gets seriously hurt or dies after using the drugs. This is an excellent example of how often we as a society do not learn over time. Some five decades of increasing penalties for drug access/distribution and/or substance use disorder illnesses should have taught us that incarceration is not a viable option for saving lives or reducing suffering.

HB 1386 may be well-intentioned yet it will have the unintended consequences of making a fatal overdose more likely for more Maryland families. Beyond existing numbers of bereaved families even more will suffer requiring support systems including behavioral health care. This is not a good time in Maryland to add to the already under staffed flailing system. 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 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 an overdose in good faith. Stories of harsh penalties and DIH prosecutions will circulate and 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.

Since the deaths of my son, two brothers and niece to substance use disorders (two overdoses, one murder, one suicide), I continue to learn from those we serve. Too late for my loved ones, every day those struggling tell me of their challenges. Whether they are homeless, in the homes of supportive families this disease most often traps folks in a cycle of treatment, recurrence, treatment.

When does a person seek support? Every person is different but none of the thousands I've worked with are deterred by penalties or threats of incarceration. They want hope, to know they

matter; then when treatment becomes a viable option, a place with funding will be available for them. Make no mistake, no one in these circumstances is making money they should share or sell a dose with another desperate person.

We urge the General Assembly to instead focus on proven solutions that prevent overdose including evidence-based substance use treatments, medicines for opioid use disorder (MOUD), media education, and long-term recovery support systems. **James' Place Inc. urges the House Judiciary Committee to oppose HB 1386.**

Barbara & Tom Allen

***James Place Inc. was founded in honor and memory of son Jim,
brothers Bill and Tom and niece Amanda***