



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)*

Behavioral Health System Baltimore (BHSB) is a nonprofit organization that serves as the local behavioral health authority (LBHA) for Baltimore City. BHSB works to increase access to a full range of quality behavioral health (mental health and substance use) services and advocates for innovative approaches to prevention, early intervention, treatment and recovery for individuals, families, and communities. Baltimore City represents nearly 35 percent of the public behavioral health system in Maryland, serving over 100,000 people with mental illness and substance use disorders (collectively referred to as “behavioral health”) annually.

**Behavioral Health System Baltimore strongly opposes HB 1386 - Criminal Law - Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death.** This bill would add a penalty enhancement of up to 20 additional years to the existing penalty of up to 30 years in prison for distributing fentanyl in the event of a fatal overdose. Imposing ever longer prison sentences will not achieve justice or prevent overdose. The General Assembly should work to support evidence-based overdose prevention interventions instead of diverting scarce state resources to longer prison sentences for drug offenders.

The overdose epidemic has been devastating to families and communities across Maryland. About 2,500 people died of fatal overdose in the state each year from 2018-2023, including close to 1,000 who died in Baltimore City each year. Fatal overdose has declined significantly in the last two years but remains elevated compared to a decade ago.<sup>1</sup> This staggering loss of life understandably leads families to want answers and accountability. BHSB shares this concern and is firmly committed to doing everything we can to prevent overdose and reduce the prevalence of fentanyl on our streets. We must ensure, however, that the actions we take do not cause more harm than good.

HB 1386, while well-intentioned, is not the right solution to Maryland’s opioid overdose crisis. This legislation would not prevent overdose, reduce drug use, deter drug dealing, or change the composition of the drug supply in Maryland. The long prison sentences in the bill would instead cost Maryland millions when the state can least afford it. The Department of Legislative Services estimated in the fiscal note from last year’s bill that one year in state prison costs \$60,000 and that eight prosecutions per year under this bill would be a reasonable estimate. Distribution of fentanyl currently results in a nine-year sentence on average, so if HB 1386 could plausibly increase the average sentence for those liable under the bill to twenty years. Eight individuals receiving a twenty-year average sentence each year would add approximately \$11 million to long-term state prison costs every year (\$550,000 per year, per cohort).<sup>2</sup>

BHSB worries that HB 1386 could increase the number of fatal overdoses in our state by undermining our Good Samaritan law. Current law provides limited protection for those seeking medical assistance in good faith, but this protection does not extend to drug distribution and by implication does not extend to the enhanced penalty under HB 1386. This year’s version of the bill eliminated any additional protection for reporting overdoses in good faith and leaves the those who report overdoses potentially liable under the bill.

If this bill were to pass, there would undoubtedly be stories that would circulate of individuals prosecuted for the death of someone who overdosed, including of those who sought help from 911. The experience of other states shows that family and friends are most frequently prosecuted under these sorts of laws. These prosecutions also frequently garner press coverage. Coverage and stories of friends and family receiving harsh penalties and liability for an overdose would discourage people who use drugs from reporting overdoses. Good Samaritan protections and bills like HB 1386 are simply incompatible. Maryland must prioritize saving lives and encourage vulnerable individuals to report overdoses.

Lastly, HB 1386 would worsen the racial disparities that exist in our state's criminal justice system. There is significant prosecutorial discretion in bringing charges through a bill like HB 1386. This has resulted in significant disparities regarding who is prosecuted in other states. Approximately half of all prosecutions are of Black individuals while they make up much less than half of the population. There were also almost no reported cases of a prosecutor seeking a drug-induced homicide charge when the decedent was Black.<sup>3</sup> This is very troubling when the rates of overdose in the Black community remain far higher than their white counterparts here in Maryland. The state already has shocking racial disparities regarding its incarcerated population. HB 1386 would only add to these disparities and must be rejected.

Maryland is beginning to see a reduction in overdoses thanks to our investments in public health interventions. We should stay the course and resist the temptation to return to levying harsher penalties to address intractable problems like addiction. **BHSB urges the House Judiciary Committee to oppose HB 1386.**

*For more information, please contact BHSB Policy Director Dan Rabbitt at 443-401-6142*

## **Endnotes:**

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<sup>1</sup> MDH Overdose Data Portal. Accessed February 2026 at <https://health.maryland.gov/dataoffice/Pages/mdh-dashboards.aspx>

<sup>2</sup> Maryland State Commission on Criminal Sentencing Policy. Average Sentences for Common Offenses (FY23). Available at <https://msccsp.org/Files/Reports/AvgSentencesFY23.pdf>

<sup>3</sup> Health in Justice Action Lab. Analysis of Drug-Induced Homicide Charges Dataset. Accessed January 2025 at <https://www.healthinjustice.org/drug-induced-homicide>