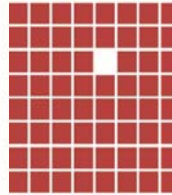




*The Maryland State Medical Society*  
1211 Cathedral Street  
Baltimore, MD 21201-5516  
410.539.0872  
Fax: 410.547.0915  
1.800.492.1056  
www.medchi.org

1211 Cathedral Street  
Baltimore, MD 21201-5585  
410-727-2237  
e-mail: mdacep@aol.com  
www.mdacep.org



Maryland Chapter  
**AMERICAN COLLEGE OF  
EMERGENCY PHYSICIANS**

TO: The Honorable Shane E. Pendergrass, Chair  
Members, House Health and Government Operations Committee  
The Honorable Andrew Cassilly

FROM: Richard A. Tabuteau  
Pamela Metz Kasemeyer  
J. Steven Wise  
Danna L. Kauffman

DATE: February 27, 2018

RE: **OPPOSE** – House Bill 771 – *Public Health – Opioid Overdoses – Prohibition and Rehabilitation Order*

---

We submit this letter on behalf of the Maryland State Medical Society (MedChi) and the Maryland Chapter of the American College of Emergency Physicians (MDACEP), in **opposition** of House Bill 771.

House Bill 771 prohibits an individual from overdosing on an opioid and, as a consequence, requiring and receiving the administration of an opioid overdose reversal drug by a first responder. Violation of this law would result in a civil penalty of up to \$50. The individual would be given a referral to receive further treatment as well as a rehabilitation order by the first responder. Though a District Court must waive the civil penalty for a first or second violation, it could use its contempt power to enforce an order to pay the civil penalty. Failure to pay the penalty could result in imprisonment for a minimum of 30 days.

This bill takes the wrong approach toward stemming the heroin and opioid epidemic in Maryland. For the past several years, the Governor's office, a majority of the General Assembly, law enforcement, and public health officials across the State have resolutely affirmed the position that we cannot prosecute our way out of this crisis. Though this bill establishes civil penalties, as opposed to criminal, they are still designed to be punitive in nature and require unnecessary and unnerving interactions with the judicial system, including the threat of imprisonment for failure to pay. This approach undermines ongoing efforts by law enforcement and public health officials and organizations to develop relationships with persons with substance abuse disorders to encourage them to voluntarily seek treatment. Research demonstrates that persons who enter treatment willingly are far more likely to succeed.

Despite best intentions, House Bill 771 might actually further exacerbate the crisis rather than mitigate it. For these reasons, the above-named organizations would ask for an unfavorable report on House Bill 771.

**For more information call:**

Richard A. Tabuteau  
Pamela Metz Kasemeyer  
J. Steven Wise  
Danna L. Kauffman  
(410) 244-7000