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TO: The Honorable Joseph F. Vallario, Jr., Chair  
Members, House Judiciary Committee  
The Honorable Will Smith

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

DATE: March 17, 2015

RE: **SUPPORT** – House Bill 1009 – *Criminal Procedure – Immunity – Alcohol- or  
Drug-Related Medical Emergencies*

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On behalf of the Maryland State Medical Society (MedChi), the Maryland Chapter of the American College of Emergency Physicians (MDACEP) and the Maryland Chapter of the American Academy of Pediatrics (MDAAP), we support House Bill 1009.

In 2014, House Bill 416 was enacted in order to create immunity for individuals seeking medical treatment for themselves, or others, when suffering from a drug or alcohol overdose or other medical emergency related to drug and alcohol abuse. The objective of the legislation was to help ensure that lives are not unnecessarily lost because someone failed to seek medical care for themselves or others due to a fear of criminal prosecution for actions unrelated to the drug or alcohol overdose incident. Implementation of the law, however, has failed to provide sufficient immunity given the continued stigma of arrest and the filing of charges. Thus, the law in its present form has not achieved its intended objective.

Many drug overdoses are witnessed by other people who often fail to seek medical assistance for the victims. In Florida, the Overdose Suppression Project of the Palm Beach County Sheriff's Office studied the circumstances of 353 overdose deaths from 2007 to 2010. It found that about 66% of those deaths occurred while others were present and in 56% of the cases the person with the victim was aware that an overdose had taken place. While 38% of those witnesses recognized that the victim needed medical assistance only 25% of those victims were taken to a hospital. Project organizers concluded that fear of prosecution of the victim and/or the witness for drug offenses often kept witnesses from seeking medical care.

The Centers for Disease Control reports that more than 36,000 people died from drug overdoses in 2008 and that drug overdose death rates have more than tripled since 1990. Additionally, according to the Substance Abuse and Mental Health Services

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Administration (SAMHSA), there were 5.1 million drug-related emergency department visits in 2011, about half of which were attributed to drug misuse or abuse.

House Bill 1009 proposes to remove the remaining barriers – fear of arrest and being charged with a crime – that prevent individuals from seeking medical care for themselves or others that are suffering from a drug or alcohol overdose or other drug or alcohol induced emergency. Failure to address the stigma associated with such legal actions has limited the effectiveness of the immunity currently in place. Simple immunity from prosecution does not remove the fear of being arrested and/or charged even if ultimately there is no prosecution. Passage of House Bill 1009, which also provides immunity from arrest or the filing of charges, will undoubtedly save lives without any negative impact on law enforcement. A favorable report is requested.

**For more information call:**

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