TO: The Honorable Bobby A. Zirkin Chair
   Members, Senate Judicial Proceedings Committee
   The Honorable C. Anthony Muse

FROM: Pamela Metz Kasemeyer
      Joseph A. Schwartz, III
      J. Steven Wise
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DATE: March 4, 2015

RE: SUPPORT – Senate Bill 654 – Criminal Procedure – Immunity – Alcohol- or
    Drug-Related Medical Emergencies

On behalf of MedChi, 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 Senate Bill 654.

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 Administration
(SAMSHA), there were 5.1 million drug-related emergency department visits in 2011, about half
of which were attributed to drug misuse or abuse.
Senate Bill 654 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 Senate Bill 654, 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.

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