

**HB 1386 – Criminal Law – Distribution of Heroin or Fentanyl Causing Death or
Serious Bodily Injury**
House Judiciary Committee
March 10, 2026
Position: UNFAVORABLE

Mental Health Association of Maryland (MHAMD) is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates and concerned citizens for unified action in all aspects of mental health and substance use disorders (collectively referred to as behavioral health). We appreciate the opportunity to provide this testimony in opposition to HB 1386.

HB 1386 would increase the prison sentence for distributing heroin or fentanyl to a person who then experiences serious bodily injury or death, if the person distributing the opioid receives remuneration for the drug.

MHAMD opposes HB 1386 because it has consistently been shown that laws that increase criminal penalties for drug distribution have no positive impact – they do nothing to prevent overdose, save lives, deter drug use, deter drug distribution, or reduce the presence of fentanyl in the drug supply. They do not deter kingpin distributors.¹

While we appreciate the effort in the bill to exempt from the increased penalty a person sharing an opioid, the legislation would still have the effect of largely impacting people with an opioid use disorder rather than career drug dealers. It is not uncommon for a co-user to receive some form of remuneration when sharing drugs, or for low-level dealers to themselves have a drug addiction.² These individuals need treatment, not lengthy imprisonment.

There are several evidence-based interventions to reduce drug overdose deaths. In 2025, 1,315 Marylanders lost their lives to an overdose – a 53% decrease from the high of 2,800 lives lost in 2021.³ Maryland's existing efforts to address the drug overdose epidemic have been working. These have included:

¹ Amy Lieberman. Tougher criminal penalties won't end overdose deaths. The National Network for Public Health Law (June 2022). <https://www.networkforphl.org/news-insights/tougher-criminal-penalties-wont-end-overdose-deaths/>

² Rethinking the "drug dealer:" harsh penalties for drug supply are counterproductive says new report. Drug Policy Alliance (December 2019). <https://drugpolicy.org/news/rethinking-drug-dealer-harsh-penalties-drug-supply-are-counterproductive-says/>

³ Maryland Department of Health, Behavioral Health Administration. <https://health.maryland.gov/bha/Pages/Overdose-Data-.aspx>

- Naloxone distribution
- Peer recovery services
- Medications for opioid use disorder, like suboxone and methadone
- Easy-to-access treatment services

Harsher penalties for opioid distribution have no evidence-base. They do not reduce drug overdoses. It is misguided to impose ever-increasing prison sentences for heroin or fentanyl distribution, when Maryland can continue to invest in proven strategies that have been shown to work.

For this reason, MHAMD opposes HB 1386 and urges an unfavorable report.