

FILE NO. 107219

April 5, 1963

Dr. John O. Neustadt
Chief of Psychiatry
Baltimore City Hospitals
4940 Eastern Avenue
Baltimore 24, Maryland

Re: Narcotics Addiction in Patients at
Baltimore City Hospitals - Duty of
Doctors to Report to Police Department

Dear Dr. Neustadt:

You recently wrote this office concerning the legal duty of doctors to report the presence of drug addiction in patients at Baltimore City Hospitals to the police. You state that frequently the introduction of police can be very disruptive to the relationship which you are attempting to form with the patient.

It is understood that your question is limited merely to drug addiction in a patient, and does not cover a situation where you discover that the patient has on his person articles relating to the taking of drugs. Drug addiction, per se, is not a crime under the Maryland law. The applicable law provides, in part:

"It shall be unlawful for any person to manufacture, possess, have under his control, sell, prescribe, administer, dispense or compound any narcotic drug, except as authorized in this subtitle. * * * *." (Article 27, Section 277, Annotated Code of Maryland, 1957 Edition)

While it is understandable that the police have an interest in obtaining information about drug sources from addicts, we do not believe that there is any legal obligation on your part to inform the police that a patient is addicted.

Because of the general welfare of the community, however, we wonder if it might not be helpful to meet with officials of the Police Department who are involved in narcotics investigations, in order to discuss the problems which you raised. Perhaps a procedure could be worked out whereby, if you did report the addiction to the police, the investigation which ensued would be done in such a way as not to be detrimental to the best interests of your patients.