

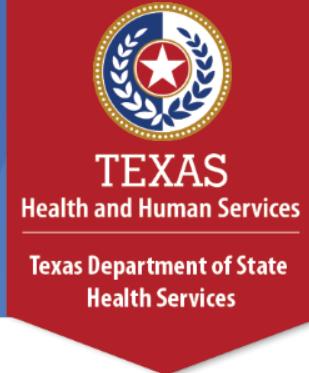
Overview of Drug Overdose Good Samaritan Laws

Presentation to the House Select Committee on Opioids & Substance Abuse

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Presentation Overview



- What is a Drug Overdose Good Samaritan law?
- Which states have Drug Overdose Good Samaritan laws?
- Types of Drug Overdose Good Samaritan law protections
- Research synopsis



What is a Drug Overdose Good Samaritan Law?

- Legal protections for individuals who call for emergency assistance in the event of a drug overdose
- Law is intended to encourage use of emergency assistance to prevent overdose deaths
- Not all Drug Overdose Good Samaritan Laws are the same
- Implementation requires buy-in and education of
 - Potential utilizers
 - Law enforcement, justice system, first responders



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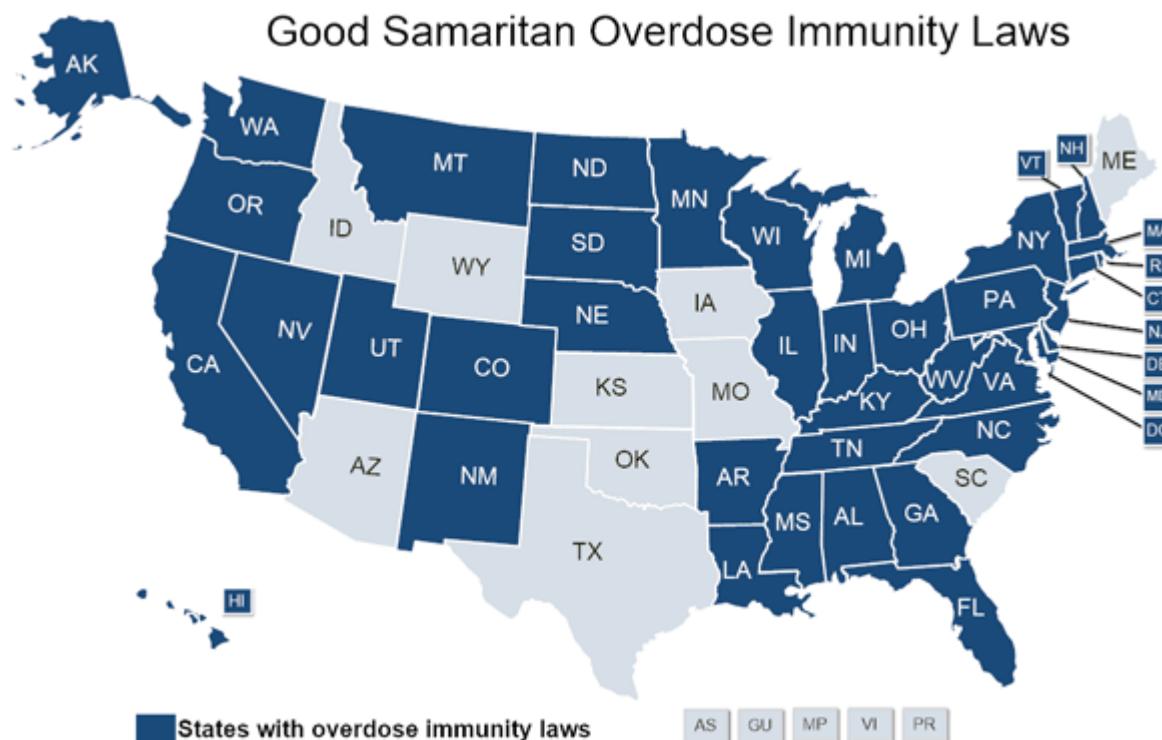
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Which States have Drug Overdose Good Samaritan Laws?

- 40 States and D.C. have an Drug Overdose Good Samaritan Law
- New Mexico first adopted an Drug Overdose Good Samaritan Law in 2007



Source: National Conference of State Legislatures, June 2017



Types of Drug Overdose Good Samaritan Law Protections

- May require a foundation of acting in good faith
- May provide legal protections addressing controlled substance *possession*
- May address drug paraphernalia
- May prevent:
 - Arrest
 - Charges
 - Prosecution
 - Revocation of probation/parole
 - Violations of Restraining Orders
- May allow:
 - Use of affirmative defenses



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Drug Overdose Good Samaritan Law Protections in U.S. States

Protection Type	# of States/ Territories
Has Drug Overdose Good Samaritan Law	41
Controlled Substance Immunity	
Arrest	23
Charge	29
Prosecution	31
Paraphernalia Immunity	
Arrest	16
Charge	19
Prosecution	25
Other Immunity Options	
Protective/Restraining Order	8
Pretrial, Probation, Parole Conditions	18
Other Protections	
Mitigating Factor/Affirmative Defense	15





Current Overdose-Related Protections in Texas

Underage Drinking Good Samaritan Law – Alcoholic Beverage Code, Sec. 106.04(e), 106.05(e)

- Minor does not commit an offense of consuming/possessing alcohol if certain conditions are met regarding seeking medical assistance

Opioid Antagonists – Health & Safety Code, Chapter 483, Subchapter E

- For persons possessing and/or administering opioid antagonists, including emergency services personnel
- Includes persons that administer or fail to administer opioid antagonists
- Protections address criminal prosecution, professional licensing, civil liability



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Current Overdose-Related Protections in Texas

Liability for Emergency Care - Civil Practice & Remedies Code, Sec. 74.151

- For persons administering emergency care in certain situations
- Civil damages protection not extended to person whose negligent act/omission was a producing cause of the emergency

Other specific civil liability protections for professionals responding in emergency situations



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Research Synopsis: Effectiveness

- Drug Overdose Good Samaritan Laws are used in conjunction with other harm reduction laws, including reducing barriers to accessing naloxone
- Recent research articles suggest Drug Overdose Good Samaritan Laws reduce the number of drug overdose deaths
 - This is despite overall national increase in number of drug overdose deaths
 - Enactment of law associated with 15% reduction in opioid overdose deaths
 - Even greater reductions possible for African American (26%) and Hispanic populations (16%)



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Research Synopsis: Effectiveness

- Drug Overdose Good Samaritan Laws are not proven to increase non-medical use of opioids, including prescription painkillers
 - Data demonstrates that the number of users may have not increased
 - But studies have not clarified whether existing users increase frequency of use/potency of drugs used



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Research Synopsis: Utilization Factors

Utilization of Drug Overdose Good Samaritan Laws may depend on:

- Extent of law enacted
- Accurate knowledge of law by affected individuals
- Accurate knowledge of law by first responders, including law enforcement
- User/bystander training in naloxone administration
- Age of user and prior drug use
 - Younger or early users more likely to call



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Research Synopsis: Utilization Factors

Utilization of Drug Overdose Good Samaritan Laws may depend on:

- Whether bystander calls are on behalf of stranger or family/friend
 - Less likely to call if family/friend
- Prior experience with first responders
- Housing situation of bystander and/or person experiencing overdose
 - Federal housing programs may depend on whether tenant/household/guests are involved in drug-related criminal activity, not necessarily drug-related arrests/convictions
- Naloxone availability on site
 - Some bystanders might delay or decline to call 911 if naloxone is on site and is used to revive an individual on first attempt



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