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
Which States have Drug Overdose Good Samaritan Laws?

- 40 States and D.C. have a Drug Overdose Good Samaritan Law
- New Mexico first adopted a 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
## Drug Overdose Good Samaritan Law Protections in U.S. States

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<th>Protection Type</th>
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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 administrating opioid antagonists, including emergency services personnel
• Includes persons that administer or fail to administer opioid antagonists
• Protections address criminal prosecution, professional licensing, civil liability
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
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%).
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
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
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