

911 Good Samaritan Laws: Preventing Overdose Deaths, Saving Lives

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Overdose Deaths: A Serious National Problem

Overdose deaths rates nationwide more than doubled between 1999 and 2013.¹ According to the Centers for Disease Control and Prevention (CDC), 43,982 people died from drug overdoses in 2013 – an average of 120 people a day.² Overdoses resulted in more deaths than HIV/AIDS, homicide or car accidents.³

Overdose has now surpassed motor vehicle accidents as the leading cause of injury-related death in the U.S.⁴

Nationally, more overdose deaths are caused by prescription drugs *than all illegal drugs combined*.⁵ Legal prescription opioids, such as OxyContin and Vicodin, are driving the increase in overdose deaths nationwide – causing more than 16,000 deaths in 2013.⁶ For more than a decade, prescription opioid overdose deaths have outnumbered both heroin and cocaine overdose deaths (although heroin overdose deaths have increased in recent years).⁷

Moreover, as states have attempted to restrict access to opioids, evidence indicates that some opioid-dependent people have switched from prescription painkillers to heroin.⁸

The tragedy is that many of these deaths could have been prevented.

911 Good Samaritan Laws: A Practical Solution That Can Save Lives

The chance of surviving an overdose, like that of surviving a heart attack, depends greatly on how fast one receives medical assistance. Multiple studies show that most deaths actually occur one to three hours after the victim has initially ingested or injected drugs.⁹ The time that elapses before an overdose becomes a fatality presents a vital opportunity to intervene and seek medical help.

Witnesses to heart attacks rarely think twice about calling 911, but witnesses to an overdose often hesitate to call for help or, in many cases, simply don't make the call.¹⁰ The most common reason people cite for not calling 911 is fear of police involvement.¹¹

People using drugs illegally often fear arrest, even in cases where they need professional medical assistance for a friend or family member. Furthermore, severe penalties for possession and use of illicit drugs, including state laws that impose criminal charges on individuals who provide drugs to someone who subsequently dies of an overdose, only intensify the fear that prevents many witnesses from seeking emergency medical help.¹²

Risk of criminal prosecution or civil litigation can deter medical professionals, drug users and bystanders from aiding overdose victims. Well-crafted legislation can provide simple protections to alleviate these fears, improve emergency overdose responses, and save lives.

An important solution to encourage overdose witnesses to seek medical help is to exempt them from arrest and criminal prosecution through the adoption of 911 Good Samaritan immunity laws.

Good Samaritan immunity laws provide protection from arrest and prosecution for witnesses who call 911.

Such legislation does not protect people from arrest for other offenses, such as selling or trafficking drugs. This policy protects only the caller and overdose victim from arrest and prosecution for simple drug possession, possession of paraphernalia, and/or being under the influence.

The policy prioritizes saving lives over arrests for possession.

Laws encouraging overdose witnesses and victims to seek medical attention may also be accompanied by training for law enforcement, EMS and other emergency and public safety personnel.¹³ Indeed, a recent survey of law enforcement officers "indicated a desire to be more involved in overdose prevention and response, suggesting the potential for broader law enforcement engagement around this pressing public health crisis."¹⁴

A Growing National Movement to Prevent Overdose Fatalities

In State Legislatures: In 2007, New Mexico was the first state in the nation to pass 911 Good Samaritan legislation. Since then, twenty-seven additional states – Alaska, Arkansas, California, Colorado, Connecticut,

Delaware, Florida, Georgia, Illinois, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Nevada, New Jersey, New York, North Carolina, North Dakota, Oregon, Pennsylvania, Rhode Island, Vermont, Washington State, West Virginia and Wisconsin – as well as the District of Columbia, have passed such laws.¹⁵

Initial results from an evaluation of Washington State's Good Samaritan law, adopted in 2010, found that police officers and paramedics were largely unaware of the law – suggesting the need for continued training, education and collaboration with law enforcement and other public safety personnel. However, 88 percent of people who use opioids said they would be more likely, and less afraid, to call 911 in the event of a future overdose after learning about the law.¹⁶

US Conference of Mayors: In 2008, the United States Conference of Mayors unanimously adopted a resolution calling for 911 Good Samaritan policies that could save thousands of lives by encouraging immediate medical intervention for drug overdoses before they become fatal.¹⁷

On College Campuses: Today, 911 Good Samaritan policies are in effect on over 90 U.S. college campuses. Such policies have been proven to encourage students to call for help in the event of an alcohol or other drug overdose.¹⁸

¹ Centers for Disease Control and Prevention, "Quickstats: Rates of Deaths from Drug Poisoning and Drug Poisoning Involving Opioid Analgesics — United States, 1999–2013," *Morbidity and Mortality Weekly Report* 64, no. 1 (2015).

² Center for Disease Control and Prevention (CDC), "Prescription Drug Overdose in the United States: Fact Sheet,"

<http://www.cdc.gov/homeandrecreationalafety/overdose/facts.html>.

³ Ibid.

⁴ Ibid.

⁵ C. M. Jones, K. A. Mack, and L. J. Paulozzi, "Pharmaceutical Overdose Deaths, United States, 2010," *JAMA* 309, no. 7 (2013); Margaret Warner, Holly Hedegaard, and Chen Li Hui, "Trends in Drug-Poisoning Deaths Involving Opioid Analgesics and Heroin: United States, 1999–2012," (National Center for Health Statistics, Centers for Disease Control and Prevention, 2014).

⁶ Centers for Disease Control and Prevention, "Table 40. Specific Drugs Involved in Drug Poisoning Deaths, 2008–2013,"

http://www.cdc.gov/nchs/pressroom/heroin_deaths.pdf; Center for Disease Control and Prevention (CDC), "Prescription Drug Overdose in the United States: Fact Sheet".

⁷ L. J. Paulozzi, "Prescription Drug Overdoses: A Review," *J Safety Res* 43, no. 4 (2012); Warner, Hedegaard, and Li Hui, "Trends in Drug-Poisoning Deaths Involving Opioid Analgesics and Heroin: United States, 1999–2012; Centers for Disease Control and Prevention, "Quickstats: Rates of Deaths from Drug Poisoning and Drug Poisoning Involving Opioid Analgesics — United States, 1999–2013; "Table 40. Specific Drugs Involved in Drug Poisoning Deaths, 2008–2013".

⁸ Warner, Hedegaard, and Li Hui, "Trends in Drug-Poisoning Deaths Involving Opioid Analgesics and Heroin: United States, 1999–2012; K. Michelle Peavy et al., "'Hooked on' Prescription-Type Opiates Prior to Using Heroin: Results from a Survey of Syringe Exchange Clients," *Journal of Psychoactive Drugs* 44, no. 3 (2012); R. A. Pollini et al., "Problematic Use of Prescription-Type Opioids Prior to Heroin Use among Young Heroin Injectors," *Subst Abuse Rehabil* 2, no. 1 (2011).

⁹ Peter J. Davidson et al., "Witnessing Heroin-Related Overdoses: The Experiences of Young Injectors in San Francisco," *Addiction* 97, no. 12 (2002).

¹⁰ M. Tracy et al., "Circumstances of Witnessed Drug Overdose in New York City: Implications for Intervention," *Drug Alcohol Depend* 79, no. 2 (2005).

¹¹ Davidson et al., "Witnessing Heroin-Related Overdoses: The Experiences of Young Injectors in San Francisco; K. C. Ochoa et al., "Overdosing among Young Injection Drug Users in San Francisco," *Addict Behav* 26, no. 3 (2001); Robin A. Pollini et al., "Response to Overdose among Injection Drug Users," *American journal of preventive medicine* 31, no. 3 (2006); Tracy et al., "Circumstances of Witnessed Drug Overdose in New York City: Implications for Intervention."

¹² C. J. Banta-Green et al., "Police Officers' and Paramedics' Experiences with Overdose and Their Knowledge and Opinions of Washington State's Drug Overdose-Naloxone-Good Samaritan Law," *J Urban Health* 90, no. 6 (2013).

¹³ Traci C. Green et al., "Law Enforcement Attitudes toward Overdose Prevention and Response," *Drug and Alcohol Dependence* 133, no. 2 (2013); Banta-Green et al., "Police Officers' and Paramedics' Experiences with Overdose and Their Knowledge and Opinions of Washington State's Drug Overdose-Naloxone-Good Samaritan Law."

¹⁴ Green et al., "Law Enforcement Attitudes toward Overdose Prevention and Response."

¹⁵ Utah and Indiana adopted laws providing for mitigation in cases of good-faith reporting of an overdose, but these states do not provide immunity.

¹⁶ Banta-Green CJ et al., "Washington's 911 Good Samaritan Drug Overdose Law - Initial Evaluation Results," (Alcohol & Drug Abuse Institute, University of Washington, 2011); Banta-Green et al., "Police Officers' and Paramedics' Experiences with Overdose and Their Knowledge and Opinions of Washington State's Drug Overdose-Naloxone-Good Samaritan Law."

¹⁷ U.S. Conference of Mayors, "Saving Lives, Saving Money: City-Coordinated Drug Overdose Prevention," in *U.S. Conference of Mayors 76th Annual Meeting* (Miami 2008).

¹⁸ Deborah K. Lewis and Timothy C. Marchell, "Safety First: A Medical Amnesty Approach to Alcohol Poisoning at a U.S. University," *International Journal of Drug Policy* 17, no. 4 (2006).