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Civil Justice
Criminal Justice
Higher Education
Co-Chair, Criminal Sentencing
Subcommittee

Tavia Galonski
State Representative

Chairman Lang, Vice Chairman Plummer, Ranking Member Leland, and my colleagues of the House Criminal Justice Committee, I appreciate the opportunity to be able to offer sponsor testimony on House Bill 205.

In 2016 House Bill 110, commonly known as the Good Samaritan Law, was signed by then Governor Kasich. As of 2016, 37 states and the District of Columbia have enacted some form of 911 Good Samaritan law¹. The legislation offers immunity from prosecution to the parties involved during a drug overdose. This creates an incentive to call for help so that treatment can be administered. After the law was enacted, the Ninth District Court decided that immunity strictly is limited to possession of controlled substances. Therefore, immunity does not apply to all crime pertaining to the overdose such as possessing drug abuse instruments and drug paraphernalia. For clarification, “drug abuse instruments” can be items such as a syringe. Whereas “drug paraphernalia” can be an item such as a plastic cap used to mix heroin with water. Both of these are separate, prosecutable charges that are not covered by the Good Samaritan Law. Limiting the scope of immunity like this continues with our prioritizing of punishment over rehabilitation. Which is why I am introducing House Bill 205 to expand the Good Samaritan Law to include immunity from drug abuse instruments and drug paraphernalia.

This oversight within the Good Samaritan Law was brought to my attention by the Summit County Legal Defenders. Attorneys from their office reviewed the legislation and believe that the proposed bill will revise the current Good Samaritan Law to reflect its true intent. It is important to note that the other conditions codified from House Bill 110 will still remain if House Bill 205 is enacted. Those conditions include, but are not limited to:

- 1.) “No person shall be granted an immunity under division of this section more than two times”.
- 2.) “A law enforcement agency may request a name and address of an individual under division of this section for the purposes of investigation or treatment referral and may use a name and address received under that division for either or both of those purposes”.

Our state continues to face the brunt of the opioid epidemic. House Bill 205 ensures that the original intent of the Good Samaritan Law is properly executed. Expanding the Good Samaritan Law to include immunity for drug abuse instruments and drug paraphernalia moves Ohio in line with other states on the front lines of the opioid epidemic. To truly help those suffering from the disease of addiction, we need to encourage them to reach out for assistance without fear. This is the state intervening in a productive way that encourages treatment so that the number of opioid related deaths and ultimately be minimized. Research published by the US National Library of Medicine looks at the Good Samaritan Law enacted in New York in 2011. Their findings

¹https://www.cleveland.com/open/2016/06/ohio_911_good_samaritan_law_gr.html

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showed that accidental heroin overdose emergency department visits and inpatient hospital admissions increased in New York after the enactment on their Good Samaritan Law².

Therefore more people were receiving emergency treatment after their overdose, which is the ultimate goal of the Good Samaritan Law. It is important to note that New York's version of the law includes immunity for possessing controlled substances and possessing drug paraphernalia.

Chairman Lang, Vice Chairman Plummer, Ranking Member Leland, and my colleagues of the House Criminal Justice Committee, I thank you for the opportunity to be able to offer sponsor testimony on House Bill 205. I am happy to answer any questions from the committee.

² <https://www.ncbi.nlm.nih.gov/pubmed/29966919>