

April 26, 2016

Senate Criminal Justice Committee  
1 Capitol Square  
Columbus, OH 43215

RE: Amendments to HB 110

Dear Senate Criminal Justice Committee Members:

In 2014, Ohio had the second highest number of drug-related overdoses in the nation.<sup>i</sup> As Ohio's overdose rates continue to soar, many states across the country have seen a decline in overdose-related deaths after adopting practical life-saving policies. For example, New Mexico had the highest rate of overdose deaths in the nation but embraced a comprehensive approach to preventing overdose, including passing 911 Good Samaritan legislation and increasing access to naloxone. As of 2014, New Mexico's rate of overdose deaths fell 16% over just two years.<sup>ii</sup>

Many people witnessing an overdose are scared to call 911 for fear of arrest. 911 Good Samaritan policies provide the protections needed to encourage people to call 911 to save the life of an overdose victim. The original language of HB 249 sought to curb this roadblock by offering protection from arrest for drug possession charges when witnesses call 911 to save the life of an overdose victim. Over thirty states across the country have adopted 911 Good Samaritan policies to help prevent overdose in their communities.<sup>iii</sup>

I applaud Representatives Denise Driehaus and Robert Sprague for introducing HB 249, a strong 911 Good Samaritan policy. However, many of the proposed amendments to HB 110 weaken or completely negate the purpose of a 911 Good Samaritan law.

First, relapse is part of addiction and people are most at risk of overdose shortly following a relapse.<sup>iv</sup> We should always encourage people witnessing an overdose to call 911 regardless of whether the person experienced an overdose before. Limiting protection to the first two calls for help ignores the medical reality of addiction and leaves those most vulnerable at risk of death.

Second, forcing medical personnel to provide names of overdose victims to law enforcement and requiring people to cooperate with law enforcement or face arrest strips away the purpose of 911 Good Samaritan protection. Our communities are small and word spreads quickly - just as people find out about 911 Good Samaritan protection, people will also find out that when they call 911 they will be targeted and pressured to collaborate with law enforcement. The end result will bring us back to where we started - with people hesitant to call 911 and a skyrocketing overdose death rate.

Identifying suspected high-level drug dealers is a worthy goal for law enforcement and prosecutors. However, 911 Good Samaritan laws are not policies crafted to catch drug dealers, they are policies drafted to prevent overdose deaths. Our state is facing a public

health epidemic. Our focus right now must be saving lives. 911 Good Samaritan policies do just that. I caution our elected leaders from wholesale adopting recommendations from law enforcement in order to address a public health crisis.

Nothing in the original language of HB 249, the 911 Good Samaritan bill, prevents law enforcement from making arrests if there is evidence of drug trafficking at the scene of an overdose. Nothing in the original bill prevents law enforcement from continuing to investigate drug-dealing activity in our communities. Nothing in the original bill prevents law enforcement from arresting drug dealers. Nothing in the original bill prevents prosecutors from charging and prosecuting people for drug trafficking. Arresting drug dealers is the job of law enforcement. We should not now pass legislation that places that burden on the backs of the most sick and vulnerable in our communities - overdose victims.

Our communities are being scourged with the harms of drug addiction and drug-related overdose. You now have the opportunity to do something about it. By amending and weakening the basic legal protections of the 911 Good Samaritan legislation, you are voting against a policy that will reduce drug-related overdose in your hometowns.

I encourage you to adopt a strong 911 Good Samaritan policy, as outlined in HB 249. I ask you to vote no on any amendments that limit protection to only two 911 calls, require medical personnel to turn over the name and addresses of people administered naloxone after an overdose, force overdose victims to comply with law enforcement requests or face prosecution, or require mandatory assessments under the threat of arrest. Too many lives are being lost in our state for Ohio to wait to take action any longer - it is time Ohio adopt a meaningful 911 Good Samaritan policy in order to save lives.

Sincerely,



Julie Roberts

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<sup>i</sup> *2014 Ohio Drug Overdose Preliminary Data: General Findings*, Ohio Dep't of Health, <http://www.healthy.ohio.gov/~media/HealthyOhio/ASSETS/Files/injury%20prevention/2014%20Ohio%20Preliminary%20Overdose%20Report.pdf>.

<sup>ii</sup> *Decrease in Drug Overdose Death Rate in New Mexico*, New Mexico Dep't of Health (Sept. 3, 2014), <https://nmhealth.org/news/information/2014/9/?view=130>.

<sup>iii</sup> *911 Good Samaritan Laws: Preventing Overdose Deaths, Saving Lives*, Drug Policy Alliance (Feb. 10, 2016), <http://www.drugpolicy.org/resource/911-good-samaritan-laws-preventing-overdose-deaths-saving-lives>.

<sup>iv</sup> Dr. David Sack, *When Relapse Turns Deadly: What You Need to Know About Drug Overdose*, HuffingtonPost (Sept. 21, 2013), [http://www.huffingtonpost.com/david-sack-md/drug-overdose\\_b\\_3634486.html](http://www.huffingtonpost.com/david-sack-md/drug-overdose_b_3634486.html).