



SB 288

Proponent Testimony

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Dear Chairman Manning, Vice-Chair McColley, Ranking Member Thomas, and members of the Senate Judiciary Committee, thank you for the opportunity to offer proponent testimony for the Good Samaritan provisions of SB 288, as well as offering 3 additional amendments.

My name is Cindy Koumoutzis, Executive Director of OhioCAN, a 501c3 whose Mission is to Embrace, Educate and Empower those whose lives have been impacted by substance use. Yes, I am that person. More importantly. I am that mom.

In 2013 I was contacted by Representative Sprague to testify at a hearing regarding a Good Samaritan Bill submitted by he and Representative Denise Driehaus November 26, 2013. My child was then in active addiction, heroin being their drug of choice. I spent many days, 3 years in fact, testifying and fighting desperately to get a bill passed in Ohio that would save lives. That year Ohio saw 2,110 unintentional overdose deaths. I was that mom that during my testimony stated that I had cancelled a 911 overdose call for my child in fear of being arrested for illegal substances and paraphernalia in eye's view near my child and in my home. Instead, I drove my child to the ER that night, as I did numerous times thereafter, avoiding arrest and prosecution.

On June 13, 2016 I stood behind Governor Kasich as he finally signed Ohio's Good Samaritan Law. During the 3 years of testimony and advocating, Ohio lost another 11,751 lives due to unintentional overdoses, many of which could have been prevented. Heroin was still the leading cause, but fentanyl and meth were being noticed.

"This law will save lives," said Representative Sprague. "We continue to hear too many stories of individuals overdosing and being left to die alone. The 9-1-1 Good Samaritan Law will ensure that people make an effort to seek emergency assistance during a drug overdose situation, without second-guessing because of being arrested."

While this Bill was well intentioned legislation, we knew in our hearts that the Bill would lead to unintended consequences. I was told immediately after the signing the Team would get right back to work on Monday to change and remove the restrictions and limitations on what is now called the 911 Good Samaritan Law. And until now many Monday mornings have passed in silence. And loved ones continued to die. And I sincerely thank all of you for bringing that Monday morning to reality.

The current Good Samaritan provides immunity to people who undertake an affirmative act to render assistance by calling 9-1-1, but the Law jeopardizes those having an outstanding warrant, are on parole and probation (community control or post release-control). I have been volunteering for four years at the Canton City Health Department Syringe Exchange Program. OhioCAN provides hot sandwiches and snacks to all the participants. It also gives us the opportunity to listen to those in active use and provide helpful advice when needed. The comments most often heard regard fears of being arrested and detoxing without medical care inside a jail cell. It is why most do not call 911. They depend on Narcan and a prayer to save lives. I have to ask, what other medical condition do we fear calling 911 for assistance and life saving protocol? Why then should we ever fear calling 911 for these same practices for someone overdosing on drugs? Why is substance use always a means for scaring, threatening and punishing? Do we not yet understand the definition of addiction or do we still believe our criminal justice system provides rehabilitation. There should never be any restrictions toward anyone attempting to save a life. It is what a Good Samaritan law is meant for. Saving lives without conditions.

There should never be limits placed on how many times an individual can save a life. If I have called 911 to save the life of a client at the Syringe exchange, another in a parking lot and another in a bathroom stall, does that mean my child may be left to die or once again I face arrest and prosecution? Why three? Who has the right to say the fourth life is not worth saving? It could be your child and I may be out of saves that day. If any portion of the current Good Samaritan law reflects shame and stigma, in my opinion it is this restriction right here. There is no other life or death medical condition that says you cannot render assistance to save that person's life. Unless it is a drug overdose. If you are not willing to provide medical assistance and call 911 because you feel it enabling, please let us. We will never turn our back on our loved ones and those living with the disease of addiction, Let

those in a position to save the most lives, save the most lives without fear of arrest and prosecution.

Statistics show treatment is most successful when it is voluntary. Requiring treatment creates an unnecessary burden on treatment centers that are already working beyond capacity, shortened with staffing and with weeks long of waiting for that empty bed. Beds in these facilities should go to people who want treatment and are ready for it. And it is not for us to determine when someone is ready for treatment and recovery. Many will tell you it was not until THEY were ready did treatment work for them. My child after 8 years of heroin use decided they were ready, on their terms, for recovery. If I as the mom was unable to force change and recovery with my child, how can you really believe this law is capable of doing what a Mom is not. As the 3C's state, "I didn't cause it, I cannot change it and I surely cannot cure it." And neither can a Good Samaritan law. But what we can do is offer information and phone numbers so in the future when circumstances have changed, they have the information needed to call out for help in their recovery program.

The 911 Good Samaritan Law was signed June 13, 2016. We had worked long and hard for 3 years to get a law in Ohio to save lives. We knew that day we had compromised. We knew then certain components of the law were a fail. We asked for changes and our voices were unheard. In 2016 Ohio endured again 4,050 unintentional overdose deaths. And were we surprised that the following year, 2017, Ohio set a record 4,854 overdose deaths? No, because individuals were not calling 911. Ohio had compromised. Lawmakers, Prosecutors and the Police Union did what they felt was good for them, not what was good for those impacted by substance use. Not for me, not for my child and not for all the other families and their children. But what was good for them. We were told "illegal drug use is a criminal offense and must be treated as such." And I have to ask, how is that working? The war on drugs is a war on people. People needing help, reassurance and understanding. Insanity is continuing to do the same thing over and over expecting a different result. It is time we allow the evidence to guide us in our treatment and the decisions we make in order to save lives.

Today in Ohio is a different day, a different time. I often say, "Thank God my child only used heroin." I never had to share my home with fentanyl. Many have. Since the signing of the Good Samaritan Law in June of 2016, 23,249 Ohioans have lost their lives due to an overdose with a new record of 5,585 just last year. Yes, we can blame unexpected checks that were sent and received. We can blame a pandemic and the cartel, but what we really need to blame is fentanyl. Our children are now younger and experimenting with far deadlier substances today more than ever. And in addition, we can blame the limitations and restrictions placed on those who are most likely to save a life and call 911. As long as there is shame, stigma and fear, they will not call.

In 2006 my life was changed forever. I have experienced things many of you will never comprehend. I have done things many will never understand, but my commitment to advocate and become the voice of those whose voices have been silenced has never changed. If we do not speak up for those without a voice, who will hear and more important, who will listen? It has taken many, many years but finally the families of those impacted by substance use are speaking out. We are tired of being less than, the cause of and live with a result we silence due to shame. Thousands in Ohio, 30,620 families since 2013, when Representative Sprague and Driehaus brought forth a bill, have buried a child or a loved one. And the children involved. We haven't even begun to talk about the children left behind. And we are still counting and will continue to count unless changes are made. Drastic changes.

My child is one of the lucky ones who entered a treatment facility 7 years ago when they were ready and today celebrates 7 years of recovery from heroin. I cannot begin to tell you how many trips I drove to the ER. I never did call 911 again. But what I did do was to never stop advocating, talked over and above the shame, stigma and injustices so many face once they are labeled. Once WE are labeled.

Yes, I am that Mom and so very proud of it. It has given me the insight to know compassion and the knowledge to know indifference. Please share my compassion and stop the indifference today and reconsider the limitations and restrictions on treatment requirements, limitations on immunity and restrictions for those with a warrant and those on parole and probation.

I want to thank everyone for the opportunity to share my testimony today. To speak openly about addiction in the family and substance use in Ohio without a whispered voice shows me times are changing.

But change can not happen without change. Ohio has taken a first step. It is time to move forward and take the next step. Yes, Narcan does save lives and so can a Good Samaritan Law that encourages individuals to call 911, not dissuade them.

Sincerely,

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