

HB 362 - Overdose Reporting Amendments

Bill Sponsor: Carol Spackman Moss



The term “911 Good Samaritan Law” refers to local or state legislation that may provide overdose victims and/or overdose bystanders with limited immunity from drug- related criminal charges and other criminal or judicial consequences that may otherwise result from calling first responders to the scene. The scope of 911 Good Samaritan Laws varies across U.S. states, but each is written with the goal of reducing barriers to calling 911 in the event of an overdose.

Why this strategy works

Frequently, individuals who witness an overdose have been using opioids themselves. Calling 911 for an overdose victim is an inherently risky thing for such bystanders to do. Emergency medical services are often accompanied by the police, and police have the discretion to execute warrants, search the premises, and arrest bystanders for drug-related charges that are coincidental to the overdose emergency at hand. When facing the risk of arrest, detention, prosecution, and potentially prison time, bystanders are forced to weigh their own wellbeing against the wellbeing of the person who is in crisis in front of them.

By providing limited immunity from drug charges arising from evidence found at the scene of an overdose, 911 Good Samaritan Laws defuse this conflict, allowing a bystander to seek emergency care for an overdose victim without putting themselves at risk of arrest.

Good Samaritan Laws are most effective when:

- Immunity is extended to all bystanders on the scene, not only to the individuals in crisis and the individual who called 911.
- Bystanders are protected from parole violations and warrant searches in addition to receiving immunity from criminal charges. Any perceived risk to the freedom or safety of the bystanders reduces the probability that 911 will be called.
- Police officers and other first responders are well informed as to their liabilities and responsibilities when responding to an overdose as outlined in their state’s 911 Good Samaritan Law and other state and local regulations.
- People who use drugs are well informed about the 911 Good Samaritan Law and have reason to trust that those protections will be consistently afforded to them when they call 911.
- The hospital experiences of people who use drugs are strengthened and improved. Individuals in crisis will not call for emergency care if they don’t want to be transported to the hospital due to previous maltreatment.

911 Good Samaritan Laws - What the research says

- A large study of overdose scenarios in Baltimore found that 911 was called during only one in five overdoses witnessed, and that the presence of more than four bystanders statistically decreased the probability that 911 would be called.
- An evaluation of 911 Good Samaritan Law education efforts in New York City found that awareness of this law statistically increased the likelihood that a bystander would call 911 in the event of an overdose. This finding was true for all participants across race, age, and gender.
- Multiple studies in the U.S. and Canada have observed that bystanders of an overdose are concerned that they will be arrested or have negative police interactions in 911 is called, which effectively deters many bystanders from making the call.
- A large study of opioid using parolees in Alabama found that a number of bystanders (about 30%) will try to find help through means other than calling 911, such as dropping off the overdose victim at a hospital. Though it may be done with good intentions, this response could mean a fatal delay in care for the overdose victim.
- Many police officers, when first introduced to the idea of 911 Good Samaritan Laws, experience concern about jurisdictional issues and liability surrounding the carry and administration of naloxone. However, simple trainings and informational tools have been shown to quickly increase police officer familiarity and comfort with overdose response.
- Young adults who report using opioids in Rhode Island have poor awareness of the local Good Samaritan Laws, indicating that targeted awareness raising may be needed for these laws to be effective across the entire community.