



## NATIONAL CONFERENCE of STATE LEGISLATURES

# Drug Overdose Immunity and Good Samaritan Laws

11/24/2015



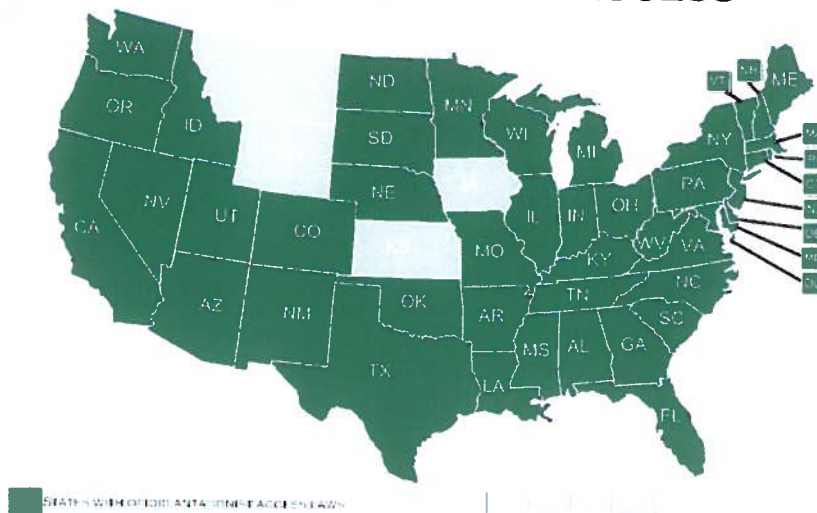
Between 2002 and 2013 the rate of heroin-related overdose deaths nearly quadrupled and almost half of all people who use heroin are addicted to prescription opioid painkillers. Prescription opioid overdoses now kill more people in the United States every year than all of drugs combined, including illicit drugs. Collectively, drug overdoses are now the leading cause of death in the majority of states and kill Americans every year than car crashes.

In 2015 nearly every state enacted legislation addressing the abuse of opioids, including heroin and prescription drugs. Policymakers have sought solutions that try to curb abuse deterring distribution, increasing treatment and diversion opportunities and expanding immunity programs to save lives.

## Access to Naloxone and Immunity

Opioid overdoses can be reversed with the timely administration of an opioid antagonist, a medication more commonly called naloxone. Naloxone is a "rescue drug" that has been approved by the FDA and can be administered by injection or via nasal spray. The drug has no abuse potential and counteracts the life-threatening effects of an overdose allowing a victim to breathe normally after it has been administered. However, naloxone is a temporary drug that wears off in 20-90 minutes, making it essential to seek additional medical assistance after it has been administered.

## OPIOID ANTAGONIST ACCESS



Often family and friends are in the best position to administer this lifesaving drug to their loved ones who overdose because they are able to react more quickly. However, access to naloxone was limited until recent actions were taken by state legislatures to reduce restrictions. Providing medication to anyone other than the at-risk drug user (called third party prescription) was previously prohibited and laws required a doctor-patient relationship to be established prior to direct prescription. Medical professionals have been hesitant to prescribe naloxone due to concerns about criminal, civil or professional liability.

New Mexico became the first state to enact legislation to increase access to Naloxone in 2001. Forty-five states now have laws providing immunity to medical professionals who prescribe or dispense naloxone or persons who administer

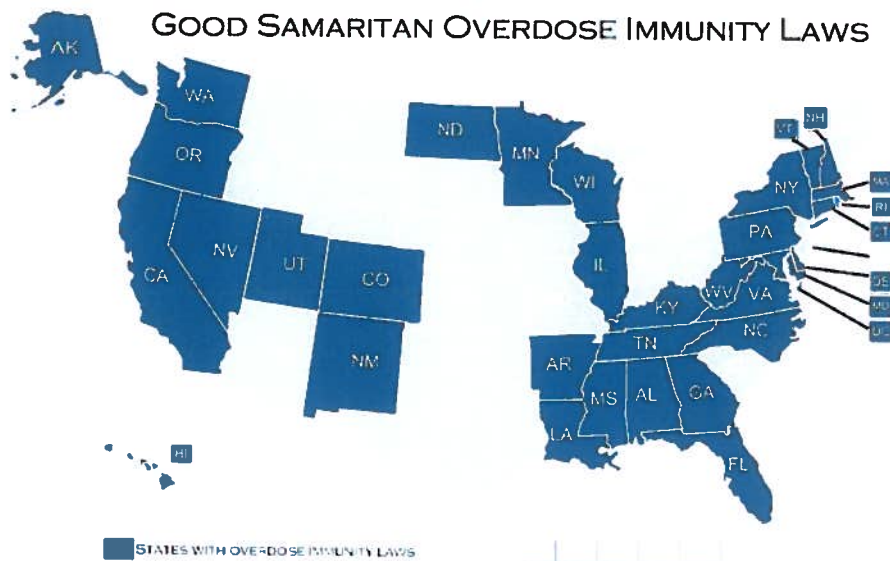
naloxone. The majority of these laws were passed within the last five years and promote the use of naloxone in addition to training and education on recognizing and preventing overdoses.

By 2014 it was reported that more than 150,000 "laypeople" had received naloxone training and rescue kits resulting more than 26,000 reported overdose reversals. Legislation and regulation has also greatly increased access to naloxone by emergency medical personnel and law enforcement.

### Immunity for Calling 911 or Seeking Emergency Medical Assistance – Good Samaritan Laws

To encourage people to seek medical attention for an overdose or for follow-up care after naloxone has been administered, 34 states and the District of Columbia have enacted some form of a Good Samaritan or 911 drug immunity law. These laws generally provide immunity from supervision violations and low level drug possession and use often when a person who is either experiencing or observing an opiate-related overdose calls 911 for assistance or otherwise seeks medical attention for themselves or another.

For immunity to apply, these laws often require a caller to have a reasonable belief that someone is experiencing an overdose emergency and is reporting that belief in good faith. "Good faith" often excludes seeking help during the course of the execution of an arrest or search warrant. Other requirements frequently include remaining on scene until help arrives and cooperating with emergency personnel when they arrive. Some laws also specify that immunity for covering offenses is not grounds for suppression of evidence of other crimes.



The scope of what offenses and violations are covered by immunity provisions varies by state. Some states have opted for more restricted immunity while states such as Vermont provide immunity from all controlled substance offenses.

The point at which immunity applies also varies. Some laws provide immunity from arrest for certain offenses in overdose situations while others provide immunity from charges, immunity from prosecution, or provide immunity via an affirmative defense to prosecution.

### Additional Resources

#### NCSL Resources

- [NCSL Health Program, Prevention of Prescription Drug Overdose and Abuse](#)
- [NCSL Health Program, Prescription Drug Overdose Strategies for Prevention](#)

#### Centers for Disease Control (CDC) Resources