

**HB**

**369**

<TARGET><BILL>HB 369</BILL><SUBJECT>HB  
369</SUBJECT><COMM>HJUD28</COMM></TARGET>



# ALASKA STATE LEGISLATURE

*Interim:*  
716 West 4th Avenue  
Anchorage, Alaska 99501-2133  
Phone: 907-269-0100  
Fax: 907-269-0105  
Rep.Lance.Pruitt@akleg.gov



*Session:*  
State Capitol  
Juneau, Alaska 99801-1182  
Phone: 907-465-3438  
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## REPRESENTATIVE LANCE PRUITT HOUSE MAJORITY LEADER

### MEMORANDUM

To: Representative Wes Keller, Chair  
From: Rep. Lance Pruitt  
Date: March 6<sup>th</sup>, 2014  
Re: HB 369 Hearing Request

I respectfully request that HB 369 be scheduled to be heard in House Judiciary. Please feel free to contact me, or my aide Morgan Hopson, at 465-2721 with any questions. Attached you will find a background packet for HB 369 including a current version of the bill, a sponsor statement, and backup information. We are expecting additional backup from Legislative Research, and will forward those upon receipt.

We will also be requesting teleconferencing for this hearing, and will forward a list of witnesses and sites when this information is available.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Lance Pruitt", with a long horizontal line extending to the right.

Representative Lance Pruitt

# ALASKA STATE LEGISLATURE

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## REPRESENTATIVE LANCE PRUITT HOUSE MAJORITY LEADER

### Sponsor Statement

#### HB 369

#### *An Act relating to limited immunity from criminal prosecution for a person who seeks medical assistance for a person experiencing a drug overdose.*

Alaska suffers from some of the highest rates of drug overdose in the nation, and these figures are rising at an alarming rate. The window to save an individual experiencing a life-threatening drug overdose is narrow, and response time is critical. Many individuals, as well as their friends and family, will hesitate or choose not to contact emergency medical services for fear of criminal repercussions relating to the controlled substance. HB 369 grants limited immunity to individuals who contact emergency medical services and stay with the person experiencing a life-threatening overdose until emergency personnel arrive and make contact. The proposed legislation also requires that the caller comply with responding emergency medical personnel or public safety officers to provide any necessary information.

The individual experiencing the overdose is already granted limited personal immunity to criminal charges when they are submitted for medical attention. For many in this condition, this also serves as an important point of contact for a referral to an agency that can help with their substance abuse. Unfortunately, most individuals experiencing a life-threatening overdose are unable to contact emergency services for themselves, and are at the mercy of the discretion of other persons present.

Alaskans are working hard to fight the epidemic of abuse of controlled substances, including illegal and prescription drugs. The purpose of providing assistance, regulation and legal ramifications for misuse of pharmaceuticals or use of illegal drugs is to protect our society and those who currently suffer from substance abuse addictions. The passage of this bill can reduce the number of overdose deaths by granting this limited immunity to a person who seeks in good faith emergency medical services for another individual experiencing a life-threatening drug overdose.

**CS FOR HOUSE BILL NO. 369( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-EIGHTH LEGISLATURE - SECOND SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVE PRUITT**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to restrictions on the criminal prosecution for certain offenses for a**  
2 **person who seeks medical assistance for a person experiencing a drug overdose."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** AS 11.71 is amended by adding a new section to read:

5 **Sec. 11.71.311. Restriction on prosecution for certain persons in**  
6 **connection with a drug overdose.** (a) A person may not be prosecuted for a violation  
7 of AS 11.71.030(a)(3), 11.71.040(a)(3) or (4), 11.71.050(a)(2), or 11.71.060(a)(1) or  
8 (2) if that person

9 (1) sought, in good faith, medical or law enforcement assistance for  
10 another person who the person reasonably believed was experiencing a drug overdose  
11 and

12 (A) the evidence supporting the prosecution for an offense  
13 under AS 11.71.030(a)(3), 11.71.040(a)(3) or (4), 11.71.050(a)(2), or  
14 11.71.060(a)(1) or (2) was obtained or discovered as a result of the person

1 seeking medical or law enforcement assistance;

2 (B) the person remained at the scene with the other person until  
3 medical or law enforcement assistance arrived; and

4 (C) the person cooperated with medical or law enforcement  
5 personnel, including by providing identification;

6 (2) was experiencing a drug overdose and sought medical assistance,  
7 and the evidence supporting a prosecution for an offense under AS 11.71.030(a)(3),  
8 11.71.040(a)(3) or (4), 11.71.050(a)(2), or 11.71.060(a)(1) or (2) was obtained as a  
9 result of the overdose and the need for medical assistance.

10 (b) In this section, "drug overdose" means a controlled-substance-induced  
11 physiological event that results in a life-threatening emergency to the person who  
12 ingested, inhaled, injected, or otherwise introduced the controlled substance into the  
13 body.

14 \* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to  
15 read:

16 **APPLICABILITY.** This Act applies to offenses occurring before, on, or after the  
17 effective date of this Act.

28-LS1515\N  
Strasbaugh  
3/14/14

**CS FOR HOUSE BILL NO. 369( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-EIGHTH LEGISLATURE - SECOND SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): REPRESENTATIVE PRUITT**

**A BILL**  
**FOR AN ACT ENTITLED**

1 **"An Act relating to limited immunity from criminal prosecution for certain offenses for**  
2 **a person who seeks medical assistance for a person experiencing a drug overdose."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** AS 11.71 is amended by adding a new section to read:

5 **Sec. 11.71.311. Immunity from prosecution for certain persons in**  
6 **connection with a drug overdose.** (a) A person may not be prosecuted for a violation  
7 of AS 11.71.030(a)(3), 11.71.040(a)(3) or (4), 11.71.050(a)(2), or 11.71.060(a)(1) or  
8 (2) if that person

9 (1) sought, in good faith, medical or law enforcement assistance for  
10 another person who the person reasonably believed was experiencing a drug overdose  
11 and

12 (A) the evidence supporting the prosecution for an offense  
13 under AS 11.71.030(a)(3), 11.71.040(a)(3) or (4), 11.71.050(a)(2), or  
14 11.71.060(a)(1) or (2) was obtained or discovered as a result of the person

1 seeking medical or law enforcement assistance;

2 (B) the person remained at the scene with the other person until  
3 medical or law enforcement assistance arrived; and

4 (C) the person cooperated with medical or law enforcement  
5 personnel, including by providing identification;

6 (2) was experiencing a drug overdose and sought medical assistance,  
7 and the evidence supporting a prosecution for an offense under AS 11.71.030(a)(3),  
8 11.71.040(a)(3) or (4), 11.71.050(a)(2), or 11.71.060(a)(1) or (2) was obtained as a  
9 result of the overdose and the need for medical assistance.

10 (b) In this section, "drug overdose" means a controlled-substance-induced  
11 physiological event that results in a life-threatening emergency to the person who  
12 ingested, inhaled, injected, or otherwise introduced the controlled substance into the  
13 body.

14 \* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to  
15 read:

16 **APPLICABILITY.** This Act applies to offenses occurring before, on, or after the  
17 effective date of this Act.

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: HB 369  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB369-LAW-CRIM-03-14-14  
Title: IMMUNITY FOR DRUG RELATED OFFENSE  
Sponsor: PRUITT  
Requester: (H) JUDICIARY

Department: Department of Law  
Appropriation: Criminal Division  
Allocation: Criminal Justice Litigation  
OMB Component Number: 2202

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None								
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time								
Part-time								
Temporary								

<b>Change in Revenues</b>								
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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2015) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Initial version, not applicable.

Prepared By:	<u>Loretta Withington, Division Operations Manager</u>	Phone:	<u>(907)465-5427</u>
Division:	<u>Department of Law</u>	Date:	<u>03/14/2014 05:00 PM</u>
Approved By:	<u>Michael C. Geraghty, Attorney General</u>	Date:	<u>03/14/14</u>
Agency:	<u>Department of Law</u>		

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. HB 369

**Analysis**

This bill would prohibit the prosecution of a person who "overdoses" on a controlled substance if the evidence prosecution obtained was a result of the person who overdosed seeking medical assistance.

Additionally the bill would prohibit the prosecution of a person, for the distribution or possession of a controlled substance, if the person sought medical or law enforcement assistance for another person who overdosed on a controlled substance that then acted in "good faith," remained on the scene and the evidence for the prosecution was obtained or discovered as a result of the reporting.

This bill will decrease the number of possession and distribution cases which the state can proceed with so the fiscal impact on the department would be zero.

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: HB 369  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB369-DOA-PDA-03-14-14  
Title: IMMUNITY FOR DRUG RELATED OFFENSE  
Sponsor: PRUITT  
Requester: House Judiciary

Department: Department of Administration  
Appropriation: Legal and Advocacy Services  
Allocation: Public Defender Agency  
OMB Component Number: 1631

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 (separate supplemental appropriation required)  
(discuss reasons and fund source(s) in analysis section)

**Estimated CAPITAL (FY2015) cost:** 0.0 (separate capital appropriation required)  
(discuss reasons and fund source(s) in analysis section)

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Not applicable, initial version

Prepared By: <u>Quinlan Steiner, Public Defender</u>	Phone: <u>(907)334-4414</u>
Division: <u>Public Defender Agency</u>	Date: <u>03/14/2014 11:52 AM</u>
Approved By: <u>Curtis Thayer, Commissioner</u>	Date: <u>03/14/14</u>
Agency: <u>Department of Administration</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. HB369

**Analysis**

HB369 provides immunity from prosecution for drug related offenses when the evidence that would support the prosecution was obtained as a result of the person seeking medical assistance for someone suffering a drug overdose. This bill provides the same protection to persons who are personally suffering from a drug overdose and seek medical assistance.

HB369 is not expected to have a fiscal impact on the Public Defender Agency; the agency, therefore, submits a zero fiscal note.

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: HB 369  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB369-DOA-OPA-03-14-2014  
Title: IMMUNITY FOR DRUG RELATED OFFENSE  
Sponsor: PRUITT  
Requester: House Judiciary

Department: Department of Administration  
Appropriation: Legal and Advocacy Services  
Allocation: Office of Public Advocacy  
OMB Component Number: 43

### Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>	<b>FY 2015</b>	<b>FY 2015</b>					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

### Fund Source (Operating Only)

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

### Positions

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2015) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

### ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

### Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: <u>Richard Allen, Director</u>	Phone: <u>(907)269-3504</u>
Division: <u>Office of Public Advocacy</u>	Date: <u>03/14/2014 09:00 PM</u>
Approved By: <u>Curtis Thayer, Commissioner</u>	Date: <u>03/14/14</u>
Agency: <u>Department of Administration</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. HB 369

**Analysis**

This legislation would substantively amend the criminal code concerning certain drug offenses, AS 11.71, by creating a new category of immunity from prosecution for certain drug offenses, under certain circumstances. The effect of the bill would be to amend AS 11.71 by adding a new section, to be titled AS 11.71.311, which would allow the Department of Law to immunize from prosecution for drug offenses a person who seeks medical and law enforcement assistance for another person whom the first person believes, in good faith, is experiencing a drug overdose. The first or reporting person would have to stay on the scene and cooperate with the medical/law enforcement assistance providers to qualify. In addition, the evidence upon which the prosecution would rely to charge the first person would have to have been obtained as a result of the first person reporting. A separate sub-section would permit immunization from prosecution of the first person who reports and seeks medical/law enforcement assistance when that person him or herself is experiencing a drug overdose. The bill also is broad in application in that it would apply to all drug offenses that occurred or occur before, on or after the effective date of the law.

If enacted as filed, HB369 would likely have a significant impact on the criminal justice system by broadening the circumstances under which state prosecutors may offer immunity to a person whom otherwise would be charged with an offense. The bill if enacted might encourage reporting of drug overdoses, such that medical assistance would be provided more quickly and possibly save the overdosing person's life. The Office of Public Advocacy (OPA) clients faced with actual or possible prosecution for a drug offense who qualify for the immunity grant would likely seek to obtain that grant from the prosecutor.

This bill would not likely have any material impact upon OPA operations, administration or budget and therefore, OPA submits a zero fiscal note.

534 P.2d 947  
Supreme Court of Alaska.

PUBLIC DEFENDER AGENCY and State  
of Alaska, Department of Law, Appellants,  
v.  
SUPERIOR COURT, THIRD  
JUDICIAL DISTRICT, Appellee.

No. 2071. | April 9, 1975.

Because of divorced father's arrearage in child support, the court trustee moved for an order to show cause to issue against father. The Superior Court, Third Judicial District, James K. Singleton, J., ordered the public defender to represent father and the Attorney General's office to prosecute and public defender agency and department of law appealed. The Supreme Court, Connor, J., held that although the Attorney General has power to prosecute a civil contempt for nonsupport proceeding, court does not have power to control the exercise of the Attorney General's discretion as to whether he will take action in any particular cases; that it would violate doctrine of separation of powers to charge the court trustee with the duty to prosecute contempt actions; and that the public defender is empowered to represent indigent father.

Reverse in part and affirmed in part.

Fitzgerald, J., did not participate.

West Headnotes (13)

[1] **Contempt**  
    ➤ Persons Entitled to Prosecute  
**Contempt**  
    ➤ Injury to prosecutor  
Civil contempt proceedings can normally only be initiated by the aggrieved party or by one who has an interest in the right to be protected.  
  
1 Cases that cite this headnote

[2] **Attorney General**  
    ➤ Bringing and prosecution of actions

In light of the substantial state interest in the enforcement of child support orders, contempt of such an order is a violation of state law within meaning of statute providing that the Attorney General shall prosecute all cases involving violation of state law. AS 09.55.210, 11.35.010, 11.35.090, 25.25.010 et seq., 44.23.020, 47.25.310 et seq.

7 Cases that cite this headnote

[3] **Attorney General**  
    ➤ Powers and Duties  
Generally, an Attorney General has those powers which existed at common law except where they are limited by statute or conferred upon some other state official. AS 44.23.020.

2 Cases that cite this headnote

[4] **Attorney General**  
    ➤ Bringing and prosecution of actions  
Under the common law, an Attorney General is empowered to bring any action which he thinks necessary to protect the public interest and possesses the corollary power to make any disposition of the state's litigation which he thinks best. AS 44.23.020.

5 Cases that cite this headnote

[5] **Attorney General**  
    ➤ Bringing and prosecution of actions  
Attorney General's discretionary control over the legal business of the state, both civil and criminal, includes the initiation, prosecution and disposition of cases. AS 44.23.020.

6 Cases that cite this headnote

[6] **Constitutional Law**  
    ➤ Encroachment on Executive  
When an act is committed to executive discretion, the exercise of that discretion within constitutional bounds is not subject to the control or review of the courts.

9 Cases that cite this headnote

[7] **Constitutional Law**

☛ Separation of Powers

Alaska recognizes the separation of powers doctrine.

5 Cases that cite this headnote

[8] **Constitutional Law**

☛ Particular Issues and Applications

Under the separation of powers doctrine, court does not have power to control the exercise of the Attorney General's discretion as to whether he will take any action in any particular cases of contempt for nonsupport of child. AS 44.23.020.

3 Cases that cite this headnote

[9] **Courts**

☛ Accommodations and supplies

Court may not combine prosecutorial and judicial functions.

1 Cases that cite this headnote

[10] **Constitutional Law**

☛ Particular Issues and Applications

It would violate doctrine of separation of powers to charge court trustee with duty to prosecute a civil contempt for nonsupport proceeding. W.S.A. 247.29; M.C.L.A. § 552.251; AS 09.55.210; Rules of Civil Procedure, rule 67.

7 Cases that cite this headnote

[11] **Child Support**

☛ Counsel

Public defender is empowered to represent indigent father in a civil contempt for nonsupport proceeding. AS 18.85.100, 18.85.170(5)(A).

1 Cases that cite this headnote

[12] **Statutes**

☛ Consistent or longstanding construction; approval or acquiescence

Continuous, contemporaneous and practical interpretation of statute by executive officers and courts is a valuable aid in determining meaning.

3 Cases that cite this headnote

[13] **Child Support**

☛ Counsel

Fact that statute providing for legal services by the public defender agency to indigent persons charged with a serious crime antedated judicial decisions concerning right to counsel did not preclude determination that the agency was authorized to represent indigent father in a civil contempt for nonsupport proceeding. AS 18.85.100, 18.85.170(5)(A).

2 Cases that cite this headnote

**Attorneys and Law Firms**

\*948 Lawrence J. Kulik, Asst. Public Defender, Herbert D. Soll, Public Defender, Anchorage, for appellant-Public Defender Agency.

Gerald W. Markham, Asst. Atty. Gen., Anchorage, Norman C. Gorsuch, Atty. Gen., Juneau, for appellant State.

Duncan Campbell Webb, Anchorage, for appellee.

Before RABINOWITZ, C. J., and CONNOR, ERWIN and BOOCHEVER, JJ.

**Opinion**

CONNOR, Justice.

This case presents questions about the manner in which civil child support orders should be enforced. In particular, this case involves a determination of who should prosecute and defend in such proceedings.

The facts which give rise to the present controversy are as follows:

Upon divorce in 1968, Agnes Johnson was awarded custody of the six children of her marriage to John Johnson.

Mr. Johnson was ordered to pay monthly child support of \$125 plus a 3% collection charge through the court trustee. Because of substantial arrearage, the court trustee moved on January 3 or 4, 1973, for an order to show cause to issue against Mr. Johnson. Superior Court Judge Singleton held a pretrial conference on the matter with a representative of the Department of Law and with Herbert Soll, the Public Defender. They discussed the possibility of the Department of Law prosecuting the action and the Public Defender Agency defending it. Judge Singleton then directed the two agencies to submit briefs on the legal and practical problems involved in such an arrangement. He also directed the court trustee to submit a brief on the factual issues and on the position of the court trustee with regard to the prosecution of contempt proceedings for non-support. After consideration of the materials submitted, Judge Singleton ordered the Public Defender, over objection, to represent Mr. Johnson and the Attorney General's office, again over objection, to prosecute. The parties seek review of this order.<sup>1</sup>

The issues presented for review are:

1. May the superior court order the Attorney General to prosecute a civil contempt for nonsupport proceeding?
2. Is the court trustee the proper party to prosecute such a proceeding?
3. Can the Alaska Public Defender, consistent with the Alaska Public Defender Act, be ordered to defend an alleged contemnor in a civil non-support action?

#### The Attorney General

Before the validity of the order to prosecute can be considered, it is first necessary to determine whether the Attorney General's office has any authority to proceed in the area of enforcement of support orders.

\*949 [1] The type of contempt involved here has traditionally been considered as falling on the civil side of the court, although we have recognized that it may have certain criminal overtones. *Otton v. Zaborac*, 525 P.2d 537 (Alaska 1974); *Johansen v. State*, 491 P.2d 759 (Alaska 1971). Civil contempts are designed

“to preserve and enforce the rights of private parties to suits, and to compel obedience to orders and decrees made for enforcing the rights and administering the remedies to which the court has found them to be entitled. . . . (They) are civil, remedial and coercive in their nature, and the parties chiefly in interest as to their conduct and prosecution are the individuals

whose private rights and remedies they were instituted to enforce.’ *United States ex rel. Noyes v. Wood*, 6 Alaska 255 (1920).

Such civil contempt proceedings can normally only be initiated by the aggrieved party or by one who has an interest in the right to be protected. *In re Paleais*, 296 F. 403, 407 (2d Cir. 1924); ‘Civil and Criminal Contempt in the Federal Courts’, 17 F.R.D. 167, 172 (1955). The interest necessary has often been characterized as ‘primary’ or ‘pecuniary.’ *MacNeil v. United States*, 236 F.2d 149, 153 (1st Cir. (1956) cert. denied, 352 U.S. 912, 77 S.Ct. 150, 1 L.Ed.2d 119 (1956); *Williams v. Iberville Parish School Board*, 273 F.Supp. 542, 545 (E.D.La.1967); *Savell v. Savell*, 213 Miss. 869, 58 So.2d 41, 43 (1952).

The relevant duties of the Attorney General are found in AS 44.23.020:

‘(b) The attorney general shall . . .

- (2) represent the state in all civil actions in which the state is a party;
- (3) prosecute all cases involving violation of state law, and file informations and prosecute all offenses against the revenue laws and other state laws where there is no other pprovision for their prosecution;’

[2] In light of the substantial state interest in the enforcement of child support orders, we find that contempt of such an order is a violation of state law within the meaning of AS 44.23.020(b)(3). Traditionally, the states have been legitimately concerned with the area of family law, and, under the doctrine of *parens patriae*,<sup>2</sup> in particular, in the promotion of the welfare of children dwelling within their boundaries. This interest is prompted, at least in part, by the fact that the state is viewed as the ultimate source of a child's support in the event his parents should fail him. *Johansen v. State*, supra, at 765.

Alaska has manifested this interest by making wilful non-support a misdemeanor, AS 11.35.010, AS 11.35.090; by providing for support of a minor when he is removed from the home, AS 47.25.310 et seq.; by participation in a state-federal program to aid dependent children, AS 47.25.310 et seq.; and through its participation under the Uniform Reciprocal Enforcement of Support Act, AS 25.25.010 et seq. It has also

set up a program whereby the court trustee monitors payments under support orders, and takes steps preliminary to formal contempt proceedings to encourage the state is adequate to support the authority Alaska Civ.R. 67. The interest of the state is adequate to support the authority of the Attorney General to proceed under AS 44.23.020.<sup>3</sup>

\*950 [3] The authority to proceed under AS 44.23.020 does not, however, empower the court to order the Attorney General to prosecute any particular contempt for non-support. Generally, an attorney general has those powers which existed at common law except where they are limited by statute or conferred upon some other state official. *Pierce v. Superior Court*, 1 Cal.2d 759, 37 P.2d 460 (1934); *Van Riper v. Jenkins*, 140 N.J.Eq. 99, 45 A.2d 844 (1946); *People v. Debt Reducers, Inc.*, 5 Or.App. 322, 484 P.2d 869 (1971). AS 44.23.020 indicates that the office of the Attorney General is to function with those powers and duties normally ascribed to it at common law:

'(b) The attorney general shall . . .

(7) perform all other duties required by law or which usually pertain to the office of the attorney general in a state.'

[4] [5] Under the common law, an attorney general is empowered to bring any action which he thinks necessary to protect the public interest, and he possesses the corollary power to make any disposition of the state's litigation which he thinks best. *State v. Finch*, 128 Kan. 665, 280 P. 910 (1929). This discretionary control over the legal business of the state, both civil and criminal, includes the initiation, prosecution and disposition of cases. *United States v. San Jacinto Tin Co.*, 125 U.S. 273, 279, 8 S.Ct. 850, 31 L.Ed. 74 (1888); *Federal Trade Commission v. Claire Furnace Co.*, 274 U.S. 160, 174, 47 S.Ct. 553, 71, L.Ed. 978 (1927); *Smith v. United States*, 375 F.2d 243, 246-47 (5th Cir. 1967); *United States v. Cox*, 342 F.2d 167 (5th Cir. 1965); *Boyne v. Ryan*, 100 Cal. 265, 34 P. 707 (1893); *Ames v. Attorney General*, 332 Mass. 246, 124 N.E.2d 511 (1955).

[6] [7] When an act is committed to executive discretion, the exercise of that discretion within constitutional bounds is not subject to the control or review of the courts. To interfere with that discretion would be a violation of the doctrine of separation of powers. Although the Alaska Constitution does not expressly address itself to the doctrine of separation of powers, we have noted that often what is implied is as much a part of the constitution as what is expressed. *Wade v. Nolan*, 414 P.2d 689, 698 (Alaska 1966). The state constitution is

divided into a number of separate articles. Since Article III concerns the executive branch, it can fairly be implied that this state does recognize the separation of powers doctrine.<sup>4</sup>

Both federal and state courts have consistently and carefully observed the line which divides their branch of government from that of the executive.<sup>5</sup> They have held that the Attorney General cannot be controlled in either his decision of whether to proceed, or in his disposition of the proceeding.

'In that field, the discretion of the Attorney General is plenary. He is a constitutional officer . . . and, as such, the head of the state's legal department. His discretion as to what litigation \*951 shall or shall not be instituted by him is beyond the control of any other officer or department of the state.' *State ex rel. Peterson v. City of Fraser*, 191 Minn. 427, 254 N.W. 776, 778-79 (1934).<sup>6</sup>

The order to prosecute by the Superior Court overstepped this line and was an infringement upon the discretionary powers residing in the executive branch. Such an order is not within the province of the court.

[8] We conclude that, although we have jurisdiction to entertain this case and to find, as we have, the existence of legal authority, we do not have power to control the exercise of the Attorney General's discretion as to whether he will take action in any particular cases of contempt for non-support.

#### The Court Trustee

The Department of Law suggests that the court trustee would be a more appropriate party to institute the contempt action. In at least two states court appointees are empowered to institute contempt proceedings for violation of support orders. *Wisconsin Stats.Anno. s 247.29* (West Supp.1974-75); *Michigan Compiled Laws 552.251, M.S.A. s 25.171* (1967).

AS 09.55.210 provides:

'Judgment. In a judgment in an action for divorce or action declaring a marriage void or at any time after judgment, the court may provide . . . (5) for the appointment of one or more trustees to collect, receive, expend, manage, or invest, in the manner the court directs, any sum of money adjudged for the maintenance of the wife or the

nurture and education of minor children committed to her care and custody;'

Civil Rule 67 provides:

'(b) In any action where payment of moneys for purposes of child support is ordered, payment shall be made to a court trustee appointed by the presiding superior court judge, unless another method is ordered by the court for cause.'

Facially, this statute and rule do not appear to prohibit a court trustee from prosecuting contempt actions in non-support cases. However, the functions performed by court trustees are not uniform throughout this state. We take judicial notice that in some districts the court trustee works closely with family court judges and often serves as a master in divorce proceedings.

[9] [10] A well established principle of law is that the court may not combine prosecutorial and judicial functions. *United States v. Jacquillon*, 469 F.2d 380, 387 (5th Cir. 1972), cert. denied 410 U.S. 938, 93 S.Ct. 1400, 35 L.Ed.2d 604; *State v. Browder*, 486 P.2d 925, 939 (Alaska 1971). Although this precept most often arises in the criminal context, it is equally applicable in the civil area where the conflict of interest and the combination of functions is as readily apparent. For this reason, it would be unwise if not unconstitutional, as a violation of the doctrine of separation of \*952 powers, to charge the court trustee with the duty to prosecute contempt actions.<sup>7</sup>

### The Public Defender

The trial court found that the defendant in a contempt for non-support proceeding is entitled to court-appointed counsel if he is indigent, a finding which is in agreement with our recent decision in *Otton v. Zaborac*, supra. The Public Defender recognizes that the defendant has the right to counsel, but argues that the agency is not empowered to provide such representation.

The legislation creating the Public Defender Agency states that the services of an attorney and concomitant legal services are to be provided by the Public Defender Agency to '(a) An indigent person who is being detained by a law enforcement officer in connection with a serious crime, or is under formal charge of having committed, or is being

detained under a conviction of a serious crime, or is on probation or parole, or is entitled to representation under the Supreme Court Rules of Children's Procedure, or against whom commitment proceedings for mental illness have been initiated . . . ' AS 18.85.100.

AS 18.85.170(5)(A) defines a 'serious crime' as including 'a criminal matter in which a person is entitled to representation by an attorney under the Constitution of the State of Alaska or the United States Constitution.' This court has defined a 'criminal prosecution' as any offense for which incarceration could be a direct penalty, and from this definition have flowed the rights to jury trial and court-appointed counsel in misdemeanor cases, based upon constitutional considerations. *Baker v. City of Fairbanks*, 471 P.2d 386 (Alaska 1970); *Alexander v. City of Anchorage*, 490 P.2d 910 (Alaska 1971).

[11] In *Johansen v. State*, 491 P.2d 759 (Alaska 1971), we went beyond traditional classifications and, in essence refused to classify contempt for non-support as either totally civil or totally criminal.<sup>8</sup> In *Otton v. Zaborac*, supra, we held that the indigent defendant in a non-support contempt proceeding is constitutionally entitled to court-appointed counsel. Thus, under AS 18.85.170(5)(A), the Public Defender is empowered to represent Mr. Johnson; the agency is to act in criminal matters, and a criminal matter under that statute is one in which a person is entitled to representation either under the state or federal constitutions.

[12] The agency's primary argument is that, since the passage of the empowering statutes antedates our judicial decisions concerning right to counsel,<sup>9</sup> the legislature could not possibly have intended this class of defendant to be represented by the Agency. This argument is at odds with general precepts of statutory interpretation. Legislation is most often prospective in nature and couched in terms broad enough to embrace future applications which are not and cannot be foreseen with precision at the time of enactment. Continuous, contemporaneous and practical interpretation by executive officers and the courts is a valuable aid in determining meaning, and judicial interpretation is conclusive. Legislative inaction can be evidence of intent, although it is not always a reliable guide.<sup>10</sup> In *Alexander v. City of Anchorage*, supra, our interpretation resulted in significantly expanded authority for the Public Defender Agency. That case reasoned that since an indigent defendant \*953 is entitled to representation by counsel when a direct penalty may be incarceration, it follows that any such offense

is a serious matter and a 'serious crime' within the meaning of the Public Defender Act. 490 P.2d at 916.

[13] Although the legislature, at the time of enactment of the act, may not have foreseen the development of the law in this area and, therefore, might not have foreseen this precise application of the act, there is also no indication that it intended to exclude this class of defendants from representation. To so include them does no violence to the rules of statutory construction.<sup>11</sup>

As we have noted above, the enforcement of child support orders is affected with the public interest. This is an area in which the legislature could fashion a new and more effective system to enforce the parental obligation to furnish child support. We recommend that the legislature consider the

enactment of new legislation in this field. In particular, we note that, under the present scheme, the custodial parents and children are often unable to afford private counsel and are thus unable to enforce child support orders. We hope that the legislature will rectify this situation as soon as possible by providing a means of efficiently and effectively enforcing a child's right to support payments. Until such a system is created, a child's right to support will be unfairly burdened in that, unlike the non-custodial parent, the child and the custodial parent will have no guarantee that a publicly supported attorney will vindicate their rights under the child support order.

Reversed in Part and Affirmed in Part.

FITZGERALD, J., not participating.

Footnotes

- 1 Judge Singleton found that issues regarding representation were separate and distinct from the problems facing Mr. Johnson, and that his order on the matter was final. Without determining whether this order was final within the meaning of Alaska Civ.R. 54(b), we find that this appeal meets the requirements of a petition for review set forth in App.R. 24(a).
- 2 The doctrine of *parens patriae* refers to the inherent power and authority of the state to provide protection of the person and property of a person *non sui juris*. *Warner Bros. Pictures v. Brodel*, 179 P.2d 57, 64 (Cal.App.1947). Under the doctrine the state has the sovereign power of guardianship over infants. *Helton v. Crawley*, 241 Iowa 296, 41 N.W.2d 60, 70-71 (1950). The right of the state to exercise guardianship over a child does not depend on a statute asserting that power. The state's protective power depends upon the presence of the infant within its territorial limits, and not upon the place of his domicile or his ownership of property within the state. *Finlay v. Finlay*, 240 N.Y. 429, 148 N.E. 624, 625 (1925); 42 Am.Jur.2d Infants s 14 (1969).
- 3 From materials submitted to the trial court, it is apparent that, as a practical matter, the Attorney General's office has neither the budget nor the manpower to effectively prosecute all of the support orders which are presently in arrears. An effective resolution of the problems present in the area of child support can only be made by the legislature through the appropriation of additional funds to the Department of Law for prosecution of contempt proceedings or through the establishment of an independent office charged with the enforcement of support orders. All we do today is to find that the Attorney General, if he so chooses, has the legal authority to carry out his duty to prosecute.
- 4 See *Lira v. Billings*, 196 Kan. 726, 414 P.2d 13, 16 (1966), where the Kansas Supreme Court acknowledges that the doctrine is implied from the existence of the three separate constitutional provisions.
- 5 *O'Donoghue v. United States*, 289 U.S. 516, 530, 53 S.Ct. 740, 77 L.Ed. 1356 (1933); *Nashville I-40 Steering Committee v. Ellington*, 387 F.2d 179, 185 (6th Cir. 1967), cert. denied, 390 U.S. 921, 88 S.Ct. 857, 19 L.Ed.2d 982 (1968); *California State Employee Assoc. v. State*, 32 Cal.App.3d 103, 108 Cal.Rptr. 60, 64 (1973); *Marrone v. State*, 458 P.2d 736, 739-40 (Alaska 1969). *State v. Cabbage*, 210 A.2d 555, 564 (Del.1965).
- 6 See, e. g., *United States v. Cox*, 342 F.2d 167 (5th Cir. 1965), cert. denied, 381 U.S. 935, 85 S.Ct. 1767, 14 L.Ed.2d 700; *United States v. Woody*, 2 F.2d 262 (D.Mont.1924); *In re Grand Jury January*, 315 F.Supp. 662 (D.Md.1970); *Boyne v. Ryan*, 100 Cal. 265, 34 P. 707 (1893); *Hermann v. Morlidge*, 298 Ky. 632, 183 S.W.2d 807 (1944); *Ames v. Attorney General*, 332 Mass. 246, 124 N.E.2d 511 (1955); *State ex rel Wilson v. Young*, 44 Wyo. 6, 7 P.2d 216 (1932). The tenor of all of these decisions is that there are certain areas, which include the decision of whether to prosecute and how to proceed, in which the Attorney General has complete control, and the court will in no way interfere with that control, at least not by compelling the officer to perform an act entrusted to his discretion. Some courts have, however, indicated several of these cases are applicable to the situation at hand. E. g., *Ex parte Young*, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908); *United States v. Cox*, 342 F.2d 167 (5th Cir. 1965), cert. den., 381 U.S. 935, 85 S.Ct. 1767, 14 L.Ed.2d 700; *United States ex rel. Schneider v. Esperdy*, 108 F.Supp. 640 (S.D.N.Y.1952), writ dismissed, S.D.N.Y., 108 F.Supp. 916, aff'd 205 F.2d 242 (2d Cir. 1953); *People v. Newcomer*, 284 Ill. 315, 120 N.E. 244 (1918).

- 7 While the discretion of Alaska Legal Services in accepting clients is not unlimited (42 U.S.C. s 2809(a)(3), *Dimmick v. Watts*, 490 P.2d 483 (Alaska 1971)), no authority has been brought to our attention suggesting that an indigent is foreclosed from seeking the assistance of Alaska Legal Services in the prosecution of child non-support contempt actions.
- 8 See also *Gwynn v. Gwynn*, 530 P.2d 1311 (Alaska 1975).
- 9 The statutes were passed in 1969 (s 1 Ch. 109 SLA 1969).
- 10 2A J. Suterland, *Statutes & Statutory Construction* s 49.01-49.10 (4th Ed.Sands 1973).
- 11 Again, budgetary limitations may effectively preclude the agency from performing an adequate job on this type of case. However, until there is an appropriation for the prosecution of these cases, the increase in the agency's caseload will be minimal. This is within the area of the legislature's discretion. Nothing we have said forecloses the indigent defendant in a child non-support contempt proceeding from seeking the aid of Alaska Legal Services.

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# 911 Good Samaritan Laws: Preventing Overdose Deaths, Saving Lives

We are  
the Drug  
Policy  
Alliance.

February 2014

## Overdose Deaths: A Growing National Crisis

Overdoses nationwide nearly tripled between 1999 and 2009.<sup>1</sup> In 2010, 38,329 people died from drug overdoses, resulting in more deaths than either HIV/AIDS or homicide.<sup>2</sup> Significant federal funding is directed toward preventing HIV/AIDS and homicide, but virtually no federal dollars are designated for overdose prevention.

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**Overdose has now surpassed motor vehicle accidents as the leading cause of injury-related death in the U.S.<sup>3</sup>**

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Nationally, more overdose deaths are caused by prescription drugs *than all illegal drugs combined*.<sup>4</sup> Legal prescription opiates, such as Oxycontin and Vicodin, are driving the increase in overdose deaths nationwide. For more than a decade, prescription opiate overdose deaths have outnumbered both heroin and cocaine overdose deaths.<sup>5</sup> Middle-aged Americans and young adults are the hardest hit by the overdose crisis. The Centers for Disease Control and Prevention (CDC) reports that in 2010 “the highest death rates were among people 45-49 years of age,” and that more people aged 25 to 64 died of drug overdose than in motor-vehicle accidents.<sup>6</sup> Additionally, drug overdose is the number two injury-related killer among young adults ages 15-34.<sup>7</sup> Moreover, as states have attempted to restrict access to opioids, some opioid-dependent people may be switching from prescription painkillers to heroin.<sup>8</sup>

The tragedy is that many of these deaths could have been prevented.

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**“Every day in the United States, 105 people die as a result of drug overdose.”**

— Centers for Disease Control and Prevention (CDC), 2013.<sup>9</sup>

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## Good Samaritan 911 Laws: A Practical Solution That Can Save Lives

The chance of surviving an overdose, like that of surviving a heart attack, depends greatly on how fast one receives medical assistance. Witnesses to heart attacks rarely think twice about calling 911, but witnesses to an overdose often hesitate to call for help or, in many cases, simply don't make the call. The most common reason people cite for not calling 911 is fear of police involvement.<sup>10</sup> People using drugs illegally often fear arrest, even in cases where they need professional medical assistance for a friend or family member. The best way to encourage overdose witnesses to seek medical help is to exempt them from criminal prosecution, an approach often referred to as 911 Good Samaritan immunity laws.

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**Risk of criminal prosecution or civil litigation can deter medical professionals, drug users and bystanders from aiding overdose victims. Well-crafted legislation can provide simple protections to alleviate these fears, improve emergency overdose responses, and save lives.**

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Multiple studies show that most deaths actually occur one to three hours after the victim has initially ingested or injected drugs.<sup>11</sup> The time that elapses before an overdose becomes a fatality presents a vital opportunity to intervene and seek medical help.

However, “It has been estimated that only between 10 percent and 56 percent of individuals who witness a drug overdose call for emergency medical services, with most of those doing so only after other attempts to revive the overdose victim (e.g., inflicting pain or applying ice) have proved unsuccessful.”<sup>12</sup>

Furthermore, severe penalties for possession and use of illicit drugs, including state laws that impose criminal

charges on individuals who provide drugs to someone who subsequently dies of an overdose, only intensify the fear that prevents many witnesses from seeking emergency medical help.<sup>13</sup>

Good Samaritan immunity laws provide protection from prosecution for witnesses who call 911. Laws encouraging overdose witnesses and victims to seek medical attention may also be accompanied by training for law enforcement, EMS and other emergency and public safety personnel.<sup>14</sup> Indeed, a recent survey of law enforcement officers "indicated a desire to be more involved in overdose prevention and response, suggesting the potential for broader law enforcement engagement around this pressing public health crisis."<sup>15</sup>

Such legislation does not protect people from arrest for other offenses, such as selling or trafficking drugs. This policy protects only the caller and overdose victim from arrest and prosecution for simple drug possession, possession of paraphernalia, and/or being under the influence.

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#### The policy prioritizes saving lives over arrests for possession.

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#### A Growing National Movement to Prevent Overdose Fatalities

*In State Legislatures:* In 2007, New Mexico was the first state in the nation to pass 911 Good Samaritan legislation. Since then, thirteen more states – California, Colorado, Connecticut, Delaware, Florida, Illinois, Massachusetts, New Jersey, New York, North Carolina, Rhode Island, Vermont and Washington State – as well as the District of Columbia – have passed such laws.

Initial results from an evaluation of Washington State's Good Samaritan law, adopted in 2010, found that:

- police officers and paramedics were largely unaware of the law;
- although drug arrests were rare at the scene of an overdose, more than one-third of police officers still felt it was important that they enforce drug laws in such circumstances – suggesting the need for continued training, education and collaboration with law enforcement and other public safety personnel;
- however, 14 percent of officers reported that they would be less likely to arrest an overdose victim or witness after learning about the law; and

- 88 percent of people who use opioids said they would be more likely, and less afraid, to call 911 in the event of a future overdose.<sup>16</sup>

*US Conference of Mayors:* In 2008, the United States Conference of Mayors unanimously adopted a resolution calling for 911 Good Samaritan policies that could save thousands of lives by encouraging immediate medical intervention for drug overdoses before they become fatal.<sup>17</sup>

*On College Campuses:* Today, 911 Good Samaritan policies are in effect on over 90 U.S. college campuses. Such policies have been proven to encourage students to call for help in the event of an alcohol or other drug overdose.<sup>18</sup>

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<sup>1</sup> National Center for Health Statistics Centers for Disease Control and Prevention, "Compressed Mortality File 1999-2009. C.D.C. Wonder Online Database, Compiled from Compressed Mortality File 1999-2009 Series 20 No. 20." (Washington, DC: Centers for Disease Control and Prevention, 2012).

<sup>2</sup> Center for Disease Control and Prevention (CDC), "Drug Overdose in the United States: Fact Sheet," <http://www.cdc.gov/homeandrecreationalafety/overdose/facts.html>.

<sup>3</sup> C. M. Jones, K. A. Mack, and L. J. Paulozzi, "Pharmaceutical Overdose Deaths, United States, 2010," *JAMA* 309, no. 7 (2013).

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*; L. J. Paulozzi, "Prescription Drug Overdoses: A Review," *J Safety Res* 43, no. 4 (2012); L. J. Paulozzi, D. S. Budnitz, and Y. Xi, "Increasing Deaths from Opioid Analgesics in the United States," *Pharmacoepidemiol Drug Saf* 15, no. 9 (2006).

<sup>6</sup> Center for Disease Control and Prevention (CDC), "Drug Overdose in the United States: Fact Sheet".

<sup>7</sup> CDC, "20 Leading Causes of Death, United States, 2006, All Races, Both Sexes."

<sup>8</sup> K. Michelle Peavy et al., "'Hooked on' Prescription-Type Opiates Prior to Using Heroin: Results from a Survey of Syringe Exchange Clients," *Journal of Psychoactive Drugs* 44, no. 3 (2012); R. A. Pollini et al., "Problematic Use of Prescription-Type Opioids Prior to Heroin Use among Young Heroin Injectors," *Subst Abuse Rehabil* 2, no. 1 (2011).

<sup>9</sup> Center for Disease Control and Prevention (CDC), "Drug Overdose in the United States: Fact Sheet".

<sup>10</sup> Peter J. Davidson et al., "Witnessing Heroin-Related Overdoses: The Experiences of Young Injectors in San Francisco," *Addiction* 97, no. 12 (2002); K. C. Ochoa et al., "Overdosing among Young Injection Drug Users in San Francisco," *Addict Behav* 26, no. 3 (2001); Robin A. Pollini et al., "Response to Overdose among Injection Drug Users," *American journal of preventive medicine* 31, no. 3 (2006); M. Tracy et al., "Circumstances of Witnessed Drug Overdose in New York City: Implications for Intervention," *Drug Alcohol Depend* 79, no. 2 (2005).

<sup>11</sup> Peter J. Davidson et al., "Witnessing Heroin-Related Overdoses: The Experiences of Young Injectors in San Francisco."

<sup>12</sup> M. Tracy et al., "Circumstances of Witnessed Drug Overdose in New York City: Implications for Intervention."

<sup>13</sup> C. J. Banta-Green et al., "Police Officers' and Paramedics' Experiences with Overdose and Their Knowledge and Opinions of Washington State's Drug Overdose-Naloxone-Good Samaritan Law," *J Urban Health* 10.1007/s11524-013-9814-y(2013).

<sup>14</sup> Traci C. Green et al., "Law Enforcement Attitudes toward Overdose Prevention and Response," *Drug and Alcohol Dependence* 133, no. 0 (2013); C. J. Banta-Green et al., "Police Officers' and Paramedics' Experiences with Overdose and Their Knowledge and Opinions of Washington State's Drug Overdose-Naloxone-Good Samaritan Law."

<sup>15</sup> Traci C. Green et al., "Law Enforcement Attitudes toward Overdose Prevention and Response."

<sup>16</sup> Banta-Green CJ et al., "Washington's 911 Good Samaritan Drug Overdose Law - Initial Evaluation Results," (Alcohol & Drug Abuse Institute, University of Washington, 2011); C. J. Banta-Green et al., "Police Officers' and Paramedics' Experiences with Overdose and Their Knowledge and Opinions of Washington State's Drug Overdose-Naloxone-Good Samaritan Law."

<sup>17</sup> U.S. Conference of Mayors, "Saving Lives, Saving Money: City-Coordinated Drug Overdose Prevention" (presented at the U.S. Conference of Mayors 76th Annual Meeting, Miami, June 20-24 2008).

<sup>18</sup> Deborah K. Lewis and Timothy C. Marchell, "Safety First: A Medical Amnesty Approach to Alcohol Poisoning at a U.S. University," *International Journal of Drug Policy* 17, no. 4 (2006).



# LEGISLATIVE RESEARCH SERVICES

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## Research Brief

TO: Representative Lance Pruitt  
FROM: Katie Spielberger, Legislative Analyst  
DATE: March 11, 2014  
RE: Alaska Controlled Substance Overdose Statistics  
*LRS Report 14.283*

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***You asked for statistical information about overdoses from controlled substances—prescription and illicit drugs—and how Alaska’s drug overdose fatality rate compares to that in the rest of the nation. Additionally, you asked which controlled substances result in the most overdoses in Alaska. You also wished to know how many overdoses receive appropriate medical attention, and how many 911 overdose calls result in criminal charges or arrests. Finally, you asked if overdose fatality rates have decreased in states that have enacted “911 Good Samaritan” immunity or limited-immunity laws.***

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Between 1999 and 2010, deaths due to drug overdoses greatly increased in nearly every state, including Alaska. Of particular concern have been deaths due to opioid pain relievers, also called prescription painkillers, which are responsible for three-fourths of prescription drug overdose deaths in the U.S., according to the Centers for Disease Control (CDC).<sup>1</sup> Alaska currently has the 29<sup>th</sup> highest drug overdose mortality rate in the nation, according to a 2013 report by the Trust for America’s Health, “Prescription Drug Abuse: Strategies to Stop the Epidemic.” Alaska’s mortality rate due to drug overdoses was about 11.6 per 100,000 people in 2010, an increase of 55 percent from 1999, yet still below the national rate of 12.4 per 100,000 people.<sup>2</sup>

Below, we present data regarding fatal drug overdoses, toxicity and hospitalizations due to pain reliever overdoses, and drug-related charges and arrests in Alaska in recent years. These data come from several different sources and years, so we urge caution when making comparisons across data sets. We found no data that directly addresses your question regarding the connection between overdose reports and criminal charges in Alaska.<sup>3</sup>

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### Overdoses: Fatalities and Hospitalizations

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Between 2008 and 2012, there were, on average, 116 deaths annually in Alaska due to drug overdoses, according to the Alaska Bureau of Vital Statistics. Far more of these deaths involved prescription drugs, particularly opioid pain relievers, than involved illicit drugs such as heroin and cocaine. Of these deaths—some of which involved multiple types of drugs—about 70 percent involved prescription drugs, and about 32 percent involved illicit drugs. Table 1 shows drug overdose deaths in Alaska between 2008 and 2012 by type of drug, as well as annual averages over this time period.

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<sup>1</sup> The CDC notes a connection between the sharp rise in opioid overdose deaths and a sharp increase in the prescription of these drugs—opioid pain reliever sales quadrupled from 1999 to 2010 in the U.S., according to the CDC’s Prevention Status Report, “Prescriptions Drug Overdose: Alaska,” accessed at <http://www.cdc.gov/stltpublichealth/psr/prescriptiondrug/2013/AK-pdo.pdf>. Another CDC resource you may find useful is “Policy Impact: Prescription Painkiller Overdoses,” accessed at <http://www.cdc.gov/homeandrecationalsafety/rxbrief/>.

<sup>2</sup> Trust for America’s Health is a non-profit, non-partisan organization “dedicated to saving lives by protecting the health of every community and working to make disease prevention a national priority.” The report, as well as state-by-state information, can be accessed through <http://healthyamericans.org/reports/drugabuse2013/>. The report uses data from CDC’s National Center for Health Statistics. Rates include total drug overdose mortality rates, the majority of which are from prescription drugs.

<sup>3</sup> We reviewed a number of national and state data sources and also consulted with officials at the Alaska Department of Health and Social Services and the Department of Public Safety.

**Table 1: Drug Overdose Deaths in Alaska, 2008-2012**

Category	2008		2009		2010		2011		2012		Annual Average, 2008-2012	
	No.	Percent	No.	Percent	No.	Percent	No.	Percent	No.	Percent	No.	Percent
<b>Prescription Drugs</b>	<b>105</b>	<b>78.9%</b>	<b>104</b>	<b>79.4%</b>	<b>68</b>	<b>80.0%</b>	<b>56</b>	<b>51.4%</b>	<b>71</b>	<b>57.7%</b>	<b>81</b>	<b>69.5%</b>
Opioid Pain Relievers	82	61.7%	80	61.1%	59	69.4%	48	44.0%	51	41.5%	64	55.1%
<b>Illicit Drugs</b>	<b>35</b>	<b>26.3%</b>	<b>36</b>	<b>27.5%</b>	<b>23</b>	<b>27.1%</b>	<b>40</b>	<b>36.7%</b>	<b>53</b>	<b>43.1%</b>	<b>37</b>	<b>32.2%</b>
Heroin	7	5.3%	7	5.3%	4	4.7%	12	11.0%	20	16.3%	10	8.6%
Cocaine	26	19.5%	24	18.3%	15	17.6%	14	12.8%	19	15.4%	20	16.9%
Other Illicit	5	3.8%	11	8.4%	5	5.9%	16	14.7%	23	18.7%	12	10.3%
<b>Unspecified Drugs</b>	<b>8</b>	<b>6.0%</b>	<b>6</b>	<b>4.6%</b>	<b>2</b>	<b>2.4%</b>	<b>13</b>	<b>11.9%</b>	<b>13</b>	<b>10.6%</b>	<b>8</b>	<b>7.2%</b>
<b>Total Deaths</b>	<b>133</b>	<b>100%</b>	<b>131</b>	<b>100%</b>	<b>85</b>	<b>100%</b>	<b>109</b>	<b>100%</b>	<b>123</b>	<b>100%</b>	<b>116</b>	<b>100%</b>

**Notes:** This table includes deaths in which a drug was listed as an underlying or contributing cause on the death certificate. A death certificate may have more than one drug noted, so percentages will exceed 100. 2012 data is provisional and subject to change. Prescription drugs include oxycodone, hydrocodone, fentanyl, and hydromorphone.  
**Source:** Alaska Bureau of Vital Statistics, updated January 22, 2014. Data provided by Jason Hooley, Legislative Liaison, Department of Health and Social Services, 907.269.7806.

According to a State of Alaska Epidemiology "Bulletin" (Attachment A), there were 283 hospitalizations due to opioid pain reliever poisonings or overdoses reported in the Alaska Trauma Registry between 2001 and 2010. These hospitalizations, per region, are presented in Table 2. The "Bulletin" notes that 231 of these hospitalizations—82 percent—resulted from suicide attempts, and only 39 (14 percent) were due to unintentional poisonings.

**Table 2: Opioid Pain Reliever Overdose Hospitalizations by Region, 2001-2010**

Region	Number	Percent of Total	Annual Average
Anchorage/Mat-Su	152	53.7%	15.2
Gulf Coast	28	9.9%	2.8
Interior	40	14.1%	4.0
Northern	16	5.7%	1.6
Southeast	27	9.5%	2.7
Southwest	16	5.7%	1.6
Unknown	4	1.4%	0.4
<b>State Total</b>	<b>283</b>	<b>100%</b>	<b>28.3</b>

**Notes:** The Alaska Trauma Registry is an information system of the most seriously injured patients in Alaska, and the treatment that they have received. Since 1991, the trauma registry has collected data from all 24 of Alaska's acute care hospitals.  
**Source:** "State of Alaska Epidemiology Bulletin: Toxicity and Hospitalizations due to Opioid Pain Relievers – Alaska, 2001-2010," Alaska Department of Health and Social Services, December 5, 2012.

**Toxicity Reports**

The "Bulletin" (Attachment A) also includes information about opioid pain reliever-related toxicity reports in Alaska between 2001 and 2010. These data reflect only reports to poison control centers, about 41 percent of which were ultimately managed in a health-care facility. As shown in Table 3, about half of these reports reflect intentional exposure. The most commonly reported drugs were hydrocodone and oxycodone.

**Table 3: Alaska Opioid Pain Reliever-Related Toxicity Reports in National Poison Data System, 2001-2010**

Drug	Total		Intentional Exposure		Unintentional Exposure		Managed in Health Care Facility	
	No.	Percent	No.	Percent	No.	Percent	No.	Percent
Hydrocodone	465	32.7%	259	55.7%	171	36.8%	175	37.6%
Oxycodone	388	27.3%	186	47.9%	171	44.1%	150	38.7%
Codeine	203	14.3%	97	47.8%	95	46.8%	77	37.9%
Tramadol	179	12.6%	111	62.0%	58	32.4%	97	54.2%
Methadone	86	6.0%	47	54.7%	29	33.7%	50	58.1%
Morphine	77	5.4%	7	9.1%	46	59.7%	24	31.2%
Meperidine	24	1.7%	6	25.0%	12	50.0%	8	33.3%
<b>Total</b>	<b>1,422</b>	<b>100%</b>	<b>713</b>	<b>50.1%</b>	<b>582</b>	<b>40.9%</b>	<b>581</b>	<b>40.9%</b>

**Notes:** The National Poison Data System is a national database of toxicity reports made to participating U.S. poison control centers. More information is available through the American Association of Poison Control Centers (<http://www.aapcc.org/>). Totals do not include cases where intent was undetermined. Data for "other" exposures and adverse reactions are not shown.

**Source:** "State of Alaska Epidemiology Bulletin: Toxicity and Hospitalizations due to Opioid Pain Relievers – Alaska, 2001-2010," Alaska Department of Health and Social Services, December 5, 2012.

#### Drug-Related Arrests

The Alaska State Troopers 2013 Annual Drug Report includes information on seizures and arrests for cocaine, heroin, marijuana, and methamphetamine. We summarize the reported drug-related charges and arrests made in recent years in Table 4. We identified no data source, however, connecting drug overdoses directly to criminal charges or arrests.<sup>4</sup>

**Table 4: Drug-Related Charges and Arrests in Alaska, 2011-2013**

Drug	2011		2011		2013	
	No.	Percent of Total	No.	Percent of Total	No.	Percent of Total
Cocaine	108	7%	74	6	37	4
Heroin	118	7%	146	12	151	14
Marijuana	1211	74%	817	67	669	64
Methamphetamine	194	12%	182	15	187	18
<b>Total</b>	<b>1631</b>	<b>100%</b>	<b>1219</b>	<b>100</b>	<b>1044</b>	<b>100</b>

**Notes and Source:** The 2013 Annual Drug Report, Alaska State Troopers, Alaska Bureau of Investigation Statewide Drug Enforcement Unit, accessed at <http://www.dps.state.ak.us/AST/ABI/docs/SDEUreports/2013%20Annual%20Drug%20Report.pdf>. The Alaska State Troopers and Alaska Bureau of Investigation supplied the majority of information presented in this report. These data do not necessarily reflect all drug-related charges and arrests.

According to an analysis by the Alaska Justice Statistical Analysis Center regarding drug offenses in Alaska between 2000 and 2011, the majority of arrests for both adults and juveniles involve marijuana, with a significantly smaller percentage involving narcotics.<sup>5</sup>

<sup>4</sup> According to Kelly Howell, legislative liaison to the Department of Public Safety (DPS), Alaska State Troopers do not track criminal charges or arrests specifically associated with overdoses. Ms. Howell can be reached at 907.465.4336.

<sup>5</sup> "Arrests for Drug Offenses in Alaska: 2000-2011," Alaska Justice Statistical Analysis Center, September, 2013, accessed at [http://justice.uaa.alaska.edu/ajsac/2013/ajsac.13-09.drug\\_arrests.pdf](http://justice.uaa.alaska.edu/ajsac/2013/ajsac.13-09.drug_arrests.pdf). We include a copy as Attachment B.

## Effects of Drug Overdose “Good Samaritan” Laws in other States

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At least fourteen states—California, Colorado, Connecticut, Delaware, Florida, Illinois, Maryland, Massachusetts, New Mexico, New York, North Carolina, Rhode Island, Vermont, and Washington—and the District of Columbia have enacted drug overdose “Good Samaritan” laws—often called “911 Good Samaritan” laws—that provide immunity or limited immunity from prosecution for individuals who report or seek assistance for overdoses from law enforcement and/or healthcare providers.<sup>6</sup> In addition to Alaska, several other state legislatures are currently considering such laws, including Hawaii House Bill 393, Iowa (House File 2207), and New Jersey (SB 851 and Assembly Bill 578).<sup>7</sup>

Supporters of such laws, which include the Drug Policy Alliance and the American Civil Liberties Union, maintain that many deaths could be avoided if those witnessing or suffering an overdose could report the incident or seek help without fear of being prosecuted for a drug crime.

Most existing drug overdose Good Samaritan laws have been in effect only a short period of time. The second state to pass such a law, Washington (2008), appears to be the only state in which the effects of the law have been evaluated so far. Researchers at the University of Washington evaluated the law over its first year of implementation in Seattle in a study supported by the Public Health Law Research Program. One researcher noted the following:

We have not been able to determine if there is a positive impact *directly* related to the law either on increasing calls to 911 or decreasing overdose deaths. This is not because there is no effect, but rather because passage of the law facilitated the unfolding of a chain of events that was much broader than the simple legal immunity clause.<sup>8</sup>

The enactment of the Washington drug overdose Good Samaritan law and subsequent evaluation resulted in a number of outreach efforts that may have contributed to positive outcomes. For example, following a survey that showed very low awareness of the law among Seattle police officers (only 16 percent surveyed had heard of the law, and only 8 percent knew that it applied to both overdose victims and witnesses who sought aid), police command staff developed a training video, which has increased awareness of the law.<sup>9</sup> A survey at syringe exchanges found that only one-third of opiate users had heard of the law, but, upon learning about it, 88 percent of respondents said they would call 911 if they witnessed an overdose.<sup>10</sup> We include a summary of these findings as Attachment C.

As far as we can discern, no studies have yet been conducted analyzing the effects of such laws on the number of drug overdoses occurring in a state. We list below the states that have passed drug overdose Good Samaritan laws and provide CDC data on drug-induced deaths in these states. Since the majority of these laws went into effect after 2010, and comprehensive data on death rates is generally only available through 2010, it is too early to tell what effects on death rates these laws have had. Such an analysis would also need to take into account other factors, such as changes in prevalence of the use of drugs in these states. Table 5 shows the states that have passed immunity or limited immunity laws. For each

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<sup>6</sup> The Network for Public Health Law, “Legal Interventions to Reduce Overdose Mortality: Naloxone Access and Overdose Good Samaritan Laws,” [https://www.networkforphl.org/\\_asset/qz5pvn/network-naloxone-10-4.pdf](https://www.networkforphl.org/_asset/qz5pvn/network-naloxone-10-4.pdf). These laws are materially similar; however, states have variously limited the crimes for which immunity is provided and/or the circumstances under which immunity is granted. For example, New York requires that a person seeking immunity have no prior conviction for a high-level drug felony, and Colorado requires that someone seeking protection under its law must wait at the scene until assistance arrives and must provide cooperation to authorities. The report notes, “Since such laws have few if any foreseeable negative effects, can be implemented at little or no cost, and will likely save both lives and resources, they may represent some of the lowest-hanging public health fruit available to policy-makers today.”

<sup>7</sup> The National Conference of State Legislatures (NCSL), “Prevention of Prescription Drug Overdose and Abuse,” March 2014, <http://www.ncsl.org/research/health/prevention-of-prescription-drug-overdose-and-abuse.aspx>. The NCSL provides further information about 911 Good Samaritan immunity laws at <http://www.ncsl.org/research/civil-and-criminal-justice/drug-overdose-immunity-good-samaritan-laws.aspx>.

<sup>8</sup> <http://www.whitehouse.gov/blog/2013/03/29/good-samaritan-overdose-response-laws-lessons-learned-washington-state>

<sup>9</sup> “Police officers’ and paramedics’ experiences with overdose and their knowledge and opinions of Washington State’s drug overdose-naloxone-Good Samaritan law,” *Journal of Urban Health*, December 2013. The abstract and links to full-texts sources can be accessed at <http://www.ncbi.nlm.nih.gov/pubmed/23900788>.

<sup>10</sup> Resources related to this evaluation can be accessed at <http://stopoverdose.org/evaluation.htm>.

state, we show the citation and effective date of the law, as well as the drug-induced death rates for each year from 2006 to 2010.

**Table 5: States with Drug Overdose “Good Samaritan” Immunity Laws and Drug-Induced Deaths per 100,000 People, 2006-2010**

State	Citation	Effective Date	Drug-Induced Deaths per 100,000 People				
			2006	2007	2008	2009	2010
California	Cal. Health and Safety Code § 11376.5	January 1, 2013	11.2	11.5	11.3	11.6	11.4
Colorado	Colo. Rev. Stat. § 18-1-711	May 29, 2012	14.0	15.5	15.5	15.8	13.4
Connecticut	Conn. Gen. Stat. § 21a-279	October 1, 2011	13.0	12.6	11.2	11.1	10.4
Delaware	Del. Code Ann. Tit. 16 § 4769	Aug. 31, 2013	9.7	11.7	14.1	15.6	16.4
Florida	Fla. Stat. Ann § 893.21	October 1, 2012	16.1	16.0	16.7	17.1	16.9
Illinois	20 Ill. Comp. Stat. Ann. 301/5-23 and 720 Ill. Comp. Stat. Ann. 570/414 and 646/115, 730 Ill. Comp. Stat. Ann. 5/5-5-3.1	January 1, 2010 and February 6, 2012	11.3	9.8	11.1	11.2	10.5
Maryland	Md. Code Ann., Crim. Proc. § 1-210	October 1, 2009	14.3	14.3	12.9	13.4	11.7
Massachusetts	Mass. Gen. Laws Ch. 94c § 34A	August 2, 2012	15.9	15.6	13.7	14.1	12.8
New Mexico	N.M. Stat. Ann. § 30-31-27.1 (2007)	June 15, 2007	22.2	23.7	26.6	21.9	23.7
New York	N.Y. Penal Law § 220.03, 220.78, and 390.40	September 18, 2011	10.2	10.0	9.7	9.3	9.1
North Carolina	Session Law 2013-23 (S.B. 20)	April 9, 2013	12.6	12.3	13.1	12.9	11.8
Rhode Island	R.I. Gen. Laws § 21-28.8-4	June 18, 2012	16.8	13.4	18.3	15.9	16.7
Vermont	Vt. Stat. Ann tit. 18 § 4254	June 5, 2013	13.3	10.9	12.2	9.1	10.9
Washington	Wash. Rev. Code § 9.94A.535	June 10, 2010	15.2	15.5	16.1	15.5	14.3

**Notes and Sources:** Citations are from “Legal Intervention to Reduce Overdose Mortality: Naloxone Access and Overdose Good Samaritan Laws,” The Network for Public Health Law, November, 2013, accessed at [https://www.networkforphl.org/\\_asset/qz5pvn/network-naloxone-10-4.pdf](https://www.networkforphl.org/_asset/qz5pvn/network-naloxone-10-4.pdf). Drug-related death data are from the Centers for Disease Control, accessed through the WONDER database at <http://wonder.cdc.gov/>. According to the CDC, “Drug-induced deaths” include all deaths for which drugs are the underlying cause, including those attributable to drug overdoses and deaths from medical conditions resulting from chronic drug use (e.g., drug-induced Cushing’s syndrome). “Drug” includes illicit or street drugs (e.g., heroin and cocaine), as well as legal prescription and over-the-counter drugs; alcohol is not included. Highlighted cells indicate years in which an immunity or limited-immunity law was in effect for all or part of the year.

We hope this is helpful. If you have questions or need additional information, please let us know.

## Attachment A

"Toxicity and Hospitalizations due to Opioid Pain Relievers – Alaska, 2001-2010," State of Alaska Epidemiology Bulletin, December 5, 2012



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Bulletin No. 26 December 5, 2012

## Toxicity and Hospitalizations due to Opioid Pain Relievers — Alaska, 2001–2010

### Background

Opioid pain reliever (OPR) overdoses constitute a growing public health threat nationally.<sup>1</sup> In 2008, the rate of prescription drug overdose deaths in Alaska was more than twice that of the United States overall (14.2 versus 6.5 per 100,000 persons, respectively), and most of these overdoses were due to opioids (79% in Alaska and 74% in the United States).<sup>1,2</sup> This *Bulletin* presents Alaska's OPR-related poison control center reports and hospitalizations during 2001–2010.

### Methods

The National Poison Data System (NPDS) -- a national database of human exposures reported to participating U.S. poison control centers since 1985 -- was queried to characterize OPR-related toxicity reports in Alaska during 2001–2010.<sup>3</sup> The Alaska Trauma Registry (ATR) was queried to characterize the epidemiology of hospitalizations due to OPRs using ICD-9-CM Codes 965.00–09. Crude and age-adjusted rates (per 100,000 persons) were calculated using Alaska Population Estimates and 2010 U.S. Census data.

### Results

During 2001–2010, there were 1,422 cases of OPR-related toxicity reports in NPDS, and half of these were identified as intentional exposures (Table 1). Overall, 41% of the reported cases were managed in a health care facility.

**Table 1. OPR-related Toxicity Reports in NPDS — Alaska, 2001–2010**

	Total <sup>a</sup>	Intentional Exposure <sup>b</sup>	Unintentional Exposure	Managed in HCF <sup>c</sup>
Hydrocodone	465	259 (56%)	171 (37%)	175 (38%)
Oxycodone	388	186 (48%)	171 (44%)	150 (39%)
Codeine	203	97 (48%)	95 (47%)	77 (38%)
Tramadol	179	111 (62%)	58 (32%)	97 (54%)
Methadone	86	47 (55%)	29 (34%)	50 (58%)
Morphine	77	7 (9%)	46 (60%)	24 (31%)
Meperidine	24	6 (25%)	12 (50%)	8 (33%)
Total	1,422	713 (50%)	582 (41%)	581 (41%)

<sup>a</sup>Totals include intentional and unintentional exposures, as well as "other" exposures and adverse reactions (data not shown); totals do not include cases where intent was undetermined.

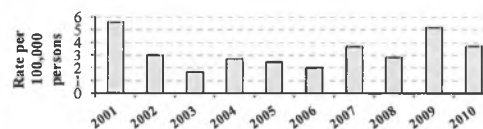
<sup>b</sup>Defined as intentional improper or incorrect use of a substance to achieve a euphoric or psychotropic effect or to cause self-harm.

<sup>c</sup>HCF = health care facility

During 2001–2010, 283 hospitalizations due to OPRs were captured in the ATR. Of the 283 hospitalized persons, 183 (65%) were female; the median age was 34 years (range: <1–82 years). Of the 283 hospitalizations, 231 (82%) were due to a suicide attempt, and 39 (14%) were due to unintentional poisonings; most of the unintentional poisonings were among children aged 0–4 years (54%; 21/39), followed by persons aged 15–19 years (28%; 11/39). Forty percent (112/283) of the hospitalizations involved a stay in an intensive care unit (duration range: <1–15 days); the overall hospital charges totaled \$8.6 million (median: \$5,965 per hospitalization).

The average annual age-adjusted rate of hospitalizations due to OPRs was 4.0 per 100,000 persons (range: 1.7–5.6 per 100,000 persons; Figure). Age-adjusted rates by sex were 5.4 per 100,000 females and 2.7 per 100,000 males. Crude rates by race were highest among Alaska Native/American Indian (AI/AN) people, followed by Whites, and all other races (7.2, 3.8, and 3.0 per 100,000 persons, respectively). Crude rates by region show that OPR overdoses are a problem statewide (Table 2).

**Figure. OPR Overdose Hospitalization Rates by Year — Alaska, 2001–2010**



**Table 2. OPR Overdose Hospitalization Rates by Region — Alaska, 2001–2010 (N=283)**

Region	Number (%) <sup>a</sup>	Crude Rate <sup>b</sup>	Region	Number (%) <sup>a</sup>	Crude Rate <sup>b</sup>
Anchorage/Mat-Su	152 (54)	4.3	Northern	16 (6)	6.7 <sup>c</sup>
Gulf Coast	28 (10)	3.7	Southeast	27 (10)	3.8
Interior	40 (14)	3.8	Southwest	16 (6)	4.1 <sup>c</sup>
Unknown	4 (1)	—			

<sup>a</sup>Percentages do not add up to 100% due to rounding.

<sup>b</sup>Rates calculated from ≤20 observations should be interpreted with caution.

### Discussion

In Alaska from 2001–2010, hospitalization rates due to OPRs were highest among females and AI/AN people. Regional data indicate that OPR overdoses are a problem statewide. The majority of OPR overdose hospitalizations were due to intentional self-harm. The fact that most of the unintentional poisonings involved children aged <5 years underscores the importance of routinely educating adults about safely storing and disposing of OPRs to assure that they are inaccessible to children. Hydrocodone and oxycodone were the most frequently reported OPRs associated with toxicity.

Emergency response for OPR overdose involves prompt administration of first aid and the appropriate use of naloxone, an opioid antagonist.<sup>4,5</sup> Nationally, many states have opioid overdose prevention programs that distribute naloxone at the community level.<sup>4</sup> Despite our high rate of OPR overdose hospitalizations and deaths, Alaska does not yet have any local drug overdose prevention programs that provide naloxone.<sup>4</sup>

Health care providers should follow guidelines for prescribing prescription pain relievers correctly, including the following:

- prescribe only the quantity needed based on the expected length of pain;
- use pain agreements for chronic pain management;
- screen and monitor patients for substance abuse and mental health issues;
- use prescription drug monitoring programs to identify patients who are misusing prescription pain relievers;
- educate patients on how to safely use, store, and dispose of prescription pain relievers;<sup>6</sup> and
- provide treatment options for OPR-addicted patients.<sup>7</sup>

### References

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## Attachment B

"Arrests for Drug Offenses in Alaska: 2000-2011," Alaska Justice Statistical Analysis Center, September, 2013



## Arrests for Drug Offenses in Alaska: 2000–2011

Brad A. Myrstol, Ph.D. AJSAC Director

This fact sheet presents data on arrests for drug offenses made by Alaska police agencies for the period 2000 through 2011. The data presented were extracted from the Alaska Department of Public Safety’s annual publication, *Crime in Alaska*.

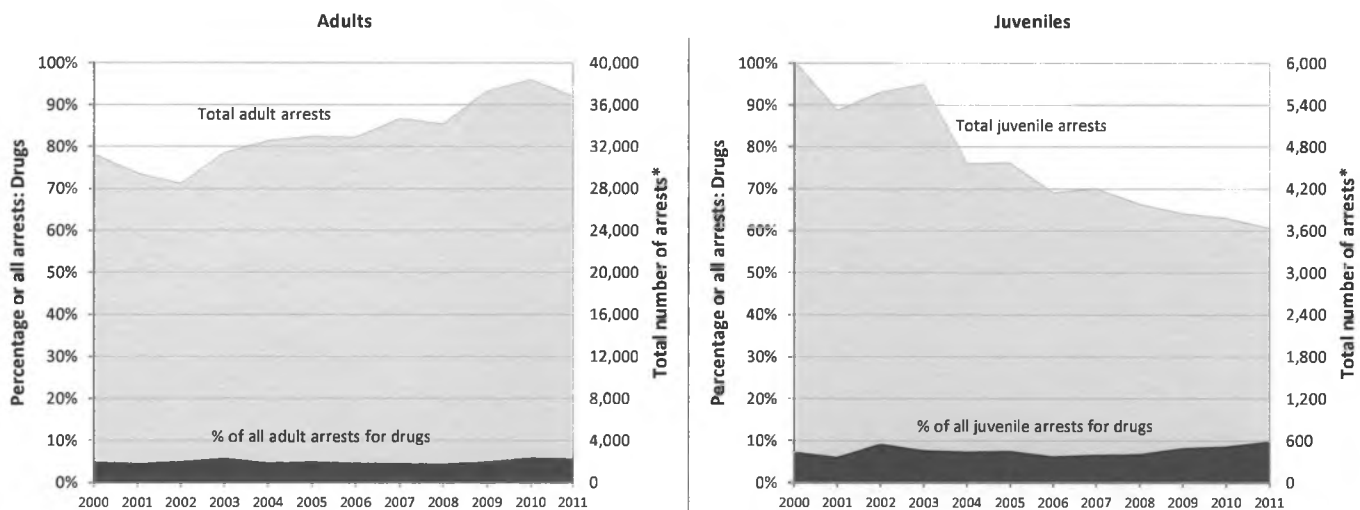
**The frequency of arrests for drug offenses.** Figure 1 presents information on the total *number* of arrests (light green shading), and the *percentage* of all arrests (dark green shading) for drug offenses for the period 2000 through 2011. Arrest data pertaining to adult arrests are depicted in the left panel; data for juvenile arrests are shown in the right panel. Since 2000, the

total number of adult arrests increased nearly 18%, from 31,227 to 36,770 statewide. The *proportion* of adult arrests attributable to drug offenses also increased, from 4.8% of all adult arrests in 2000 to 5.4% of all adult arrests in 2011 (a percentage increase of 12.5%).

In contrast, the total number of juvenile arrests in Alaska declined sharply during the 2000–2011 time period. In 2000, Alaska police agencies reported 6,024 arrests of persons under the age 18; by 2011, that number had fallen to 3,631 (a percentage decrease of nearly 40%). While the total number of juvenile arrests declined between 2000 and 2011, the percentage of juvenile arrests attributable to drug offenses increased at a rate nearly three times that for adults, from 7.2% in 2000 to 9.7%

FIGURE 1

Total Number of Arrests and Percentage of All Arrests for Drug Offenses: Adults and Juveniles in Alaska, 2000–2011



\* Note that the "Total number of arrests" scale differs between adults and juveniles.

Source of data: Alaska Department of Public Safety, Criminal Records & Identification Bureau (2001–2012). *Crime in Alaska*. Juneau, AK.

in 2011 (a percentage increase of 34.7%). Since 2006, when the percentage of juvenile arrests attributable to drug offenses stood at 6.1%, the proportional increase in juvenile arrests for drug offenses has risen 59%.

Importantly, the arrest data reported by Alaska police agencies reflect official agency actions once police are made aware of criminal offenses. Readers are cautioned against inferring that decreases or increases in the percentages of arrests attributable to drug offenses are due to decreases or increases in underlying criminal activity (i.e., possession, sale/manufacture, or use of illicit drugs).

Figure 2 presents the *drug offense arrest rate* for both Alaskan adults and juveniles for the period 2000 through 2011. The rates presented in Figure 2 represent the number of arrests per 1,000 members of the adult and juvenile populations for each year, from 2000 to 2011. The adult drug offense rate is depicted using a light green line; a dark green line represents the juvenile drug offense arrest rate. The thinner lines overlaid on each of these lines represent what is called a “best fit” trend line — that is, a line that depicts the overall shape of the data trend.

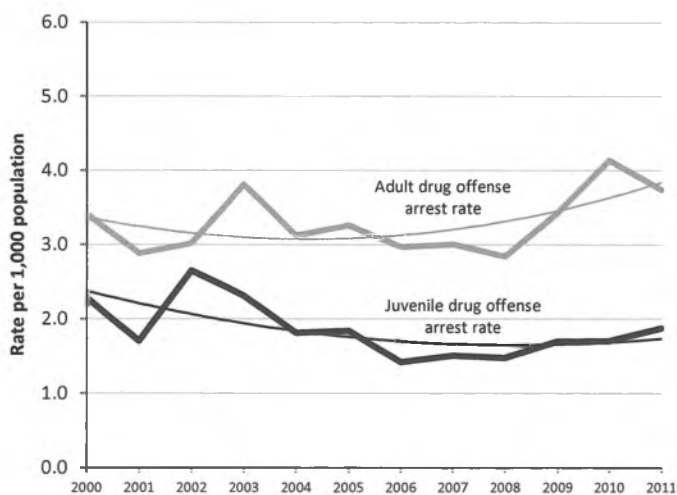
The drug offense arrest rate for adults was consistently higher than that for juveniles for the entire 2000–2011

period. On average, between 2000 and 2011 the adult drug offense arrest rate was 1.4 times higher than the juvenile drug offense arrest rate. Notably, however, the difference in drug offense rates between adults and juveniles has diverged since 2000. That year, adult Alaskans were arrested for drug offenses at a rate of 3.4 arrests per 1,000 population, while juveniles were arrested for drug offenses at a rate of 2.3 arrests per 1,000 population. Based on these rates, adults were approximately 1.5 times more likely to be arrested for a drug offense than juveniles. By 2011, the drug offense arrest rates for adults and juveniles were 3.7 per 1,000 and 1.9 per 1,000, respectively, making adults 1.9 times more likely to be arrested for drug offenses than juveniles. The drug offense arrest rates for both adults and juveniles have increased over the past several years. Since 2006, the drug offense arrest rate for adults increased 23%; for juveniles, the rate increased 35%. However, when the entire 12-year trend is examined, distinctive patterns emerge for adults and juveniles. For adults, since 2000, the drug offense arrest rate *increased* by 8.8%. For juveniles, since 2000, the drug offense arrest rate *decreased* by 17.4%.

**Drug offense arrests, by offense type.** Figure 3 and Figure 4 present data on adult and juvenile drug offense arrests according to the type of offense committed: *possession* of a controlled substance, and *sale/manufacture* of a controlled substance. Figure 3 shows data for both adults and juveniles for possession offenses; Figure 4 shows data for both adults and juveniles for sale/manufacture offenses.

For both adults and juveniles, a large majority of all drug offense arrests during the 2000–2011 time period were for the *possession* of a controlled substance. On average, 73.5% of all adult drug offense arrests were for illegal possession of a controlled substance between 2000 and 2011. For juveniles, this figure was 84.4%. The peak for adults was in 2007, when 81.7% of all drug offense arrests were for possession. For juveniles, the highest percentage was in 2010, when 94.7% of all drug offense arrests were for possession. Overall, the proportion of drug offense arrests made for possession increased for

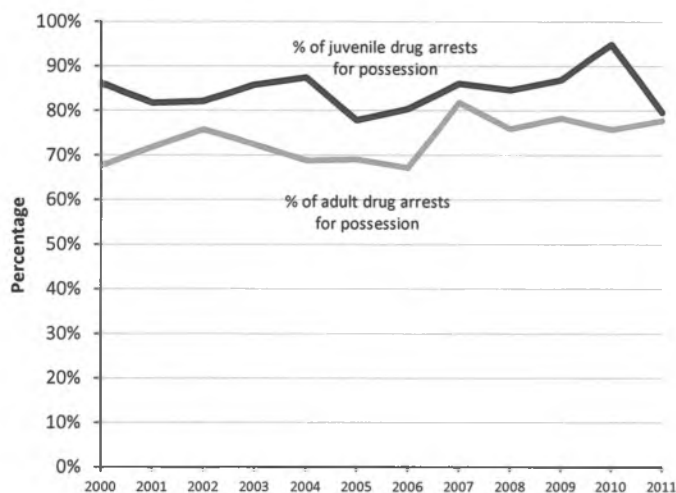
**FIGURE 2**  
Drug Offense Arrest Rate per 1,000 Population: Adults and Juveniles in Alaska, 2000–2011



Source of data: Alaska Department of Public Safety, Criminal Records & Identification Bureau (2001–2012). *Crime in Alaska*. Juneau, AK.

**FIGURE 3**

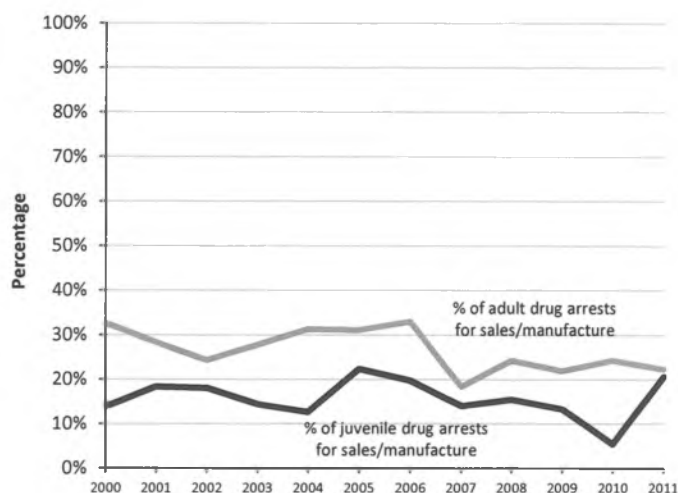
Percentage of Drug Arrests for Possession: Adults and Juveniles in Alaska, 2000–2011



Source of data: Alaska Department of Public Safety, Criminal Records & Identification Bureau (2001–2012). *Crime in Alaska*. Juneau, AK.

**FIGURE 4**

Percentage of Drug Arrests for Sales/Manufacture: Adults and Juveniles in Alaska, 2000–2011



Source of data: Alaska Department of Public Safety, Criminal Records & Identification Bureau (2001–2012). *Crime in Alaska*. Juneau, AK.

adults during the 2000–2011 period, from 67.5% in 2000 to 77.8% in 2011 (a percentage increase of more than 15%). In contrast, the percentage of drug arrests for juveniles that were classified as possession offenses declined during the same time period, from 86.2% in 2000 to 79.5% in 2011 (a percentage decline of more than 7%).

Figure 4 presents the percentage of all drug offense arrests that were classified by police as sale/manufacture offenses, for both adult and juvenile offenders. Overall, the percentage of drug sale/manufacture offense arrests declined substantially among adults (from 32.5% of all drug offense arrests in 2000 to 22.2% of all drug offense arrests in 2011). In contrast, the percentage of drug sale/manufacture offenses among juveniles increased during the same period, from 13.8% of all drug offense arrests in 2000 to 20.5% of all drug offense arrests in 2011. For both adults and juveniles, illegal drug sale/manufacture arrests comprised only a minority of all drug offense arrests between 2000 and 2011. On average, 26.5% of all adult and 15.6% of all juvenile drug arrests were classified by police as sale/manufacture offenses.

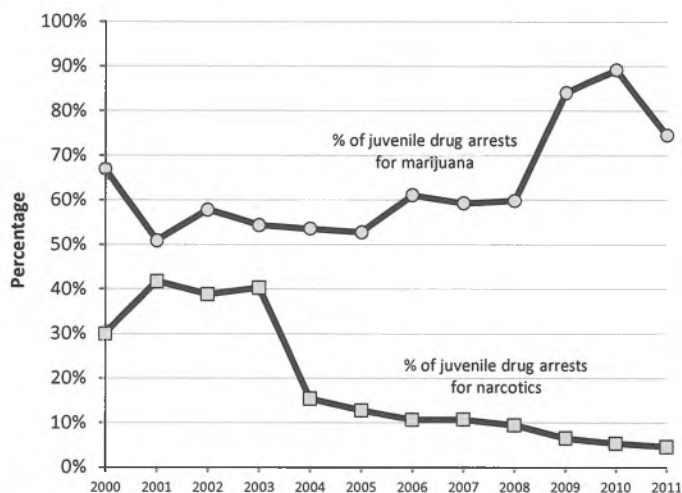
**Drug offense arrests, by type of drug.** Figure 5 and Figure 6 present data on the percentage of drug

offense arrests according to the type of drug. Figure 5 presents the information for juveniles; Figure 6 presents the information for adults. In both figures, data are presented for the percentage of drug arrests for two drug types: *marijuana* (depicted using line with circles), and *narcotics* (depicted using line with squares). On average, marijuana and narcotics comprised over 80% of all juvenile drug offense arrests, and over 85% of adult drug offense arrests. Additional drug types reported by Department of Public Safety in their *Crime in Alaska* publication, but which are not reported in this fact sheet, include *synthetic narcotics* and *other (not specified)*.

The data in Figure 5 show that most juvenile drug offense arrests involve marijuana. On average, nearly two-thirds (63.6%) of all juvenile drug offense arrests during the 2000–2011 time period were for either the possession or sale/manufacture of marijuana. In contrast, over the same period approximately 19% of drug offense arrests involved narcotics. Since 2000, the percentage of juvenile *marijuana* drug offense arrests has increased, while the percentage of juvenile *narcotics* drug offense arrests have decreased. Juvenile marijuana drug offense arrests increased from a low of 50.8% in 2001, to a high of 89.1% in 2010. (Marijuana arrests comprised 74.4% of all juvenile drug offense arrests in 2011.) Overall,

**FIGURE 5**

Percentage of Juvenile Drug Arrests for Marijuana and Narcotics in Alaska, 2000–2011



Source of data: Alaska Department of Public Safety, Criminal Records & Identification Bureau (2001–2012). *Crime in Alaska*. Juneau, AK.

juvenile arrests for marijuana offenses increased 11.2% between 2000 and 2011; juvenile arrests for narcotics offenses declined by nearly 85%.

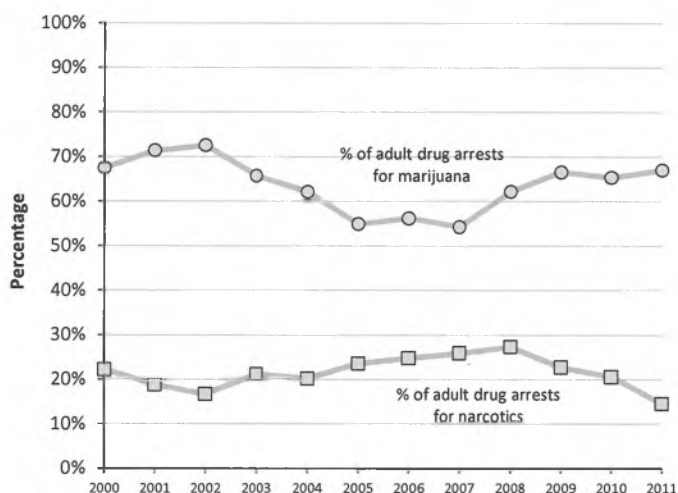
Figure 6 presents the percentage of adult drug offense arrests for marijuana and narcotics. As with juvenile drug offense arrests, a majority (63.7%) of all adult drug offense arrests between 2000 and 2011 were for marijuana offenses. Overall, the frequency with which adults were arrested for marijuana offenses remained relatively stable (67.4% in 2000, 66.9% in 2011), although a marked increase in marijuana arrests was observed for the 2007–2011 period (54.1% in 2007, 66.9% in 2011). Adult arrests for narcotics offenses, on the other hand, declined between 2000 and 2011, from 22.1% of all drug offense arrests in 2000 to 14.4% of all drug offense arrests in 2011 (a percentage decrease of 35%). The overall percentage of narcotics arrests was higher for adults (21.4%) than for juveniles (19%).

**Summary.** This fact sheet presented drug offense arrest data compiled from the Alaska Department of Public Safety’s annual *Crime in Alaska* publication. Drug offense arrest information was presented for both adults and juveniles for the period 2000 through 2011.

Over the 2000–2011 period the total number of adult

**FIGURE 6**

Percentage of Adult Drug Arrests for Marijuana and Narcotics in Alaska, 2000–2011



Source of data: Alaska Department of Public Safety, Criminal Records & Identification Bureau (2001–2012). *Crime in Alaska*. Juneau, AK.

arrests (for all offenses) increased significantly, from 31,227 in 2000 to 36,770 in 2011. In contrast, the total number of juvenile arrests (for all offenses) declined from 6,024 in 2000 to 3,631 in 2011.

Drug offenses comprise a small portion of all arrests for both adults and juveniles in the state of Alaska. On average, only 4.8% of all adult arrests were for drug offenses between 2000 and 2011; for juveniles, an estimated 7.5% of all arrests were drug offenses during the same period. Between 2000 and 2011 the *percentage* of adult arrests attributable to drug offenses increased from 4.8% to 5.4%. The *percentage* of juvenile arrests attributable to drug offenses also increased, but much more rapidly than for adults — from 7.2% of all arrests in 2000 to 9.7% of all arrests in 2011.

The adult drug offense *arrest rate* (the number of arrests per 1,000 Alaska adults) was consistently higher than the drug offense *arrest rate* for juveniles (the number of arrests per 1,000 Alaska juveniles). While the adult drug offense *arrest rate* increased over the 2000–2011 period (+8.8%), the juvenile drug offense *arrest rate* declined markedly (-17.4%).

A large majority of all drug offense arrests during the 2000–2011 period were for the possession of a

controlled substance. On average, 73.5% of all adult drug offense arrests were for illegal possession; for juveniles, this figure was 84.4% of all drug arrests. For adults, the proportion of drug offense arrests made for possession increased during the 2000–2011 period; for juveniles, the percentage of drug arrests classified as possession offenses declined.

Adult arrests for drug sale/manufacture offenses dropped substantially between 2000 and 2011, from 32.5% of all drug arrests in 2000 to 22.2% of all drug offense arrests in 2011. In contrast, the *percentage* of drug sale/manufacture offenses among juvenile increased, from 13.8% in 2000 to 20.5% in 2011.

Most adult and juvenile drug offense arrests involve marijuana. On average, 63.6% of all juvenile and 63.7% of all adult drug offense arrests during the 2000–2011 period were for either the possession or sale/manufacture of marijuana. Since 2000, the *percentage* of juvenile marijuana drug offense arrests has increased, while the *percentage* of narcotics drug offense arrests have decreased. For adults, the *percentage* of arrests for marijuana drug offense arrests remained relatively stable between 2000 and 2011, while the *percentage* of adult arrests for narcotics drug offenses declined by an estimated 35%.

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## NOTES

### UNIFORM CRIME REPORTS

First initiated by the Federal Bureau of Investigation in 1930 to measure the volume of crime in the United States, the Uniform Crime Reporting (UCR) Program collects monthly information from nearly 18,000 law enforcement agencies on eight serious crimes (called Part I offenses) and more than twenty less serious offenses (called Part II offenses). Part I offenses include four violent crimes (murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault) and four property crimes (burglary, larceny-theft, motor vehicle theft, and arson). These eight offenses are the most frequently cited crimes statistics in the United States.

The primary objective of the UCR program is to produce reliable data on crime for use in law enforcement administration, operation, and management. UCR data are not intended to be used to rank agencies or the jurisdictions in which they are located, and thus UCR data should not be used to designate American cities, counties, or other jurisdictions as “safe” or “dangerous” in the absence of careful consideration of the limitations of these data.

### UCR IN ALASKA

Since 1982 the Alaska Department of Public Safety (DPS), Division of Administrative Services, has administered the UCR program for the state of Alaska. The Division of Administrative Services collects, tabulates, reports, and publishes UCR data voluntarily submitted by Alaska law enforcement agencies.

The Alaska Department of Public Safety’s annual report, *Crime in Alaska*, represents the State of Alaska’s contribution to the Federal Bureau of Investigation’s national Uniform Crime Reporting (UCR) Program.

As is the case nationally, submitting agencies in Alaska retain responsibility for the accuracy of the data. Because the UCR is a voluntary program, the number of agencies reporting data to DPS varies from year to year. As of 2011, 34 Alaska law enforcement agencies provided crime data to DPS. An estimated 99.4 percent of the state’s total population fell within the jurisdiction of the submitting agencies.

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# THE ALASKA JUSTICE STATISTICAL ANALYSIS CENTER



## ABOUT

The Alaska Justice Statistical Analysis Center (AJSAC) was established by Administrative Order No. 89, signed by Governor William Sheffield on July 2, 1986. Since that time the AJSAC has been housed within the University of Alaska Anchorage Justice Center. The AJSAC assists Alaska criminal justice agencies, as well as state and local governments and officials, with the development, implementation, and evaluation of criminal justice programs and policies through the collection, analysis, and reporting of crime and justice statistics.

Since 1972, the Bureau of Justice Statistics (BJS) and its predecessor agency, the National Criminal Justice Information and Statistics Service, has provided support to state and territorial governments to establish and operate Statistical Analysis Centers (SACs) to collect, analyze, and report statistics on crime and justice to federal, state, and local levels of government, and to share state-level information nationally. There are currently 53 SACs located in the United States and its Territories. The AJSAC is a member of the Justice Research and Statistics Association (JRSA), a national nonprofit organization comprised of SAC directors, researchers, and practitioners dedicated to policy-oriented research and analysis.

## CONTACT INFORMATION

### Location

The Alaska Justice Statistical Analysis Center (AJSAC) is housed in the University of Alaska Anchorage Justice Center, which is located on the second floor of the UAA/APU Consortium Library, Suite 213.

### Mailing Address


Alaska Justice Statistical Analysis Center  
University of Alaska Anchorage  
3211 Providence Drive, LIB 213  
Anchorage, Alaska 99508

### Phone/Email

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bmyrstol@uaa.alaska.edu

## ON THE WEB

To learn more about the AJSAC research, please visit our website at: <http://www.uaa.alaska.edu/ajsac/>.

 UNIVERSITY of ALASKA ANCHORAGE

*UAA is an EEO/AA employer and educational institution.*

## Attachment C

"Washington's 911 Good Samaritan Drug Overdose Law: Initial Evaluation Results," University of Washington  
Alcohol and Drug Abuse Institute, November 2011

UNIVERSITY of WASHINGTON

**ADAI** Alcohol &  
 Drug Abuse  
 Institute

# INFO BRIEF

## Washington's 911 Good Samaritan Drug Overdose Law: Initial Evaluation Results

November 2011

Washington State passed the "911 Good Samaritan overdose law" in 2010 to address drug overdoses ([RCW 69.50.315](#)). The law provides immunity from prosecution for drug possession charges to overdose victims and bystanders who seek aid in an overdose event. In addition, legal provisions were made to encourage the use of an opiate-antidote by overdose witnesses; evaluation of this component of the law will be addressed in the future. This summary presents initial findings regarding the legal intent and implementation of the law to date, based on a study funded by the [Robert Wood Johnson Foundation Public Health Law Research Program](#). Additional results from this study are expected in 2012.

### SUMMARY OF INITIAL FINDINGS

Passage of the "911 Good Samaritan Overdose Law" took five years, keys to passage included:

- Framing the law as a public health issue, not primarily as a legal issue.
- The emergence of prescription medicines (e.g. opiate pain medicines) as the drugs involved in a majority of drug overdoses. This increased the perceived public health risks of overdose and broadened the populations, demographically and geographically, that could be helped by legislative action.
- Keeping the scope of immunity narrow, just drug possession, was the only way to get support of law enforcement, prosecutors, and some legislators.

First responders' and opiate users' experience with overdose included

- Opiate overdoses are common---42% of opiate users and 62% of Seattle police reported being present at the scene of a serious opiate overdose in the prior year. (Almost all opiate users surveyed at syringe exchange used heroin.)
- Most paramedics had been at an overdose in the prior year and approximately 45 serious opiate overdose victims (heroin or pharmaceutical) are transported by Seattle medics each month.
- Police were at the scene of most overdoses for which 911 was called according to drug users and paramedics.
- Arrests of overdose victims and bystanders were very rare according to drug users, paramedics, and police.

Impacts of Good Samaritan Law on planned behaviors

- 88% of opiate users indicated that now that they were aware of the law they would be more likely to call 911 during future overdoses.
- 62% of police surveyed said the law would not change their behavior during a future overdose because they would not have made an arrest for possession anyway, 20% were unsure what they would do, and 14% said they would be less likely to make such an arrest.

Information dissemination

- Funding for implementation of the law was not included in the legislation and no state agency was assigned responsibility for implementing the law.
- Information dissemination has involved the limited distribution of written educational materials.
- The website <http://stopoverdose.org> appears to be a frequently accessed source of information.

## BACKGROUND

Drug induced deaths in the U.S. totaled 37,485 in 2009, surpassing motor vehicle fatalities according to the CDC. Washington State's rate of drug induced deaths surpasses the national average and the state legislature's intent in passing the Good Samaritan law was to *"save lives by increasing timely medical attention to drug overdose victims through the establishment of limited immunity from prosecution for people who seek medical assistance in a drug overdose situation."*

A public health law research framework is guiding evaluation of the law's impact and the mediators by which the law may impact public health. The stated goal of the Public Health Law Research Program is to build the evidence base for laws that improve public health by funding research, improving research methods, and making evidence more accessible to policy-makers, the media, and the public.

## EVALUATION METHODS

Legal intent analyses included a review of written and video records of legislative procedures. Interviews with key stakeholders including legislators and advocacy groups were conducted. Implementation analyses included: interviews with stakeholders to determine how the law was implemented and the real world impact on their area of work; document review to determine how and to what extent information about the law was disseminated; and anonymous surveys with Seattle police officers and paramedics. These research procedures were conducted in 2011 and were formally reviewed by the University of Washington Human Subjects Division and were determined to be exempt. Public Health-Seattle & King County conducted the 2011 Public Health-Seattle & King County Syringe Exchange Survey, an anonymous survey of syringe exchange clients and collaborated with this research team in the wording of some questions; data included here are for the 355 opiate users of which 96% reported recent use of heroin.

## STUDY FINDINGS

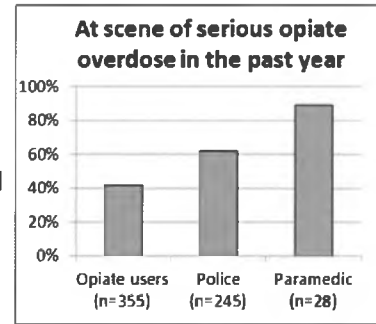
The law had been considered by the Washington state legislature for five years before it passed in 2010. Law enforcement and prosecutors' associations were initially opposed to the law, thinking it was unnecessary because police rarely arrest people for drug possession during overdoses and because of a general aversion to granting immunity. However, as they heard from their constituents, such as campus police supportive of alcohol Good Samaritan laws, and learned about the dramatic increase in the use and abuse of pharmaceuticals by people across the age spectrum and across the state, they became supportive of the law. Legislators and organizational stakeholders agreed that framing the law as a public health issue, not as a legal issue, was also key to its passage.

Challenges for implementation include the lack of any funding in the legislation and not designating any state agency to implement the law. In order to educate the public a press conference was held when the law took effect and radio public service announcements were recorded that included messages from the state's Attorney General, the medical director of the Washington Poison Center, and the parent of a teenager who died of an opiate overdose. Included in the PSA's were references to the educational website <http://stopoverdose.org>, which explains the law. Subsequently, most of the implementation has focused on publicizing the website, distributing informational wallet cards at needle exchanges and other venues, and putting up posters about the law at drug treatment programs. Links to the website have also been included on other websites and on educational materials such as those distributed with opiate prescriptions. Ongoing media reports of drug overdoses occasionally make reference to the website.

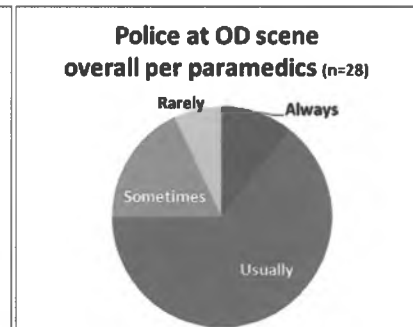
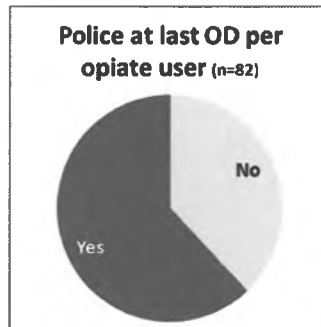
From June 2010 through October 2011 the website has had 3,273 visits from 2,601 unique visitors. The most common traffic source to the website during the year after the law took effect was an internet user directly typing in the website address (37% of visitors), followed by Google searches (16%). From June 2011 onward Google searches have been the most common source (42%) followed by direct entry of the website address (20%). This change may reflect a waning of educational outreach efforts that include reference to the website address. It may also be a reflection of increasing interest in Good Samaritan laws nationally as indicated by a shift from the majority (67%) of website traffic coming from Washington State in the initial year of the law compared to a minority (44%) of web traffic coming from within the

state more recently.

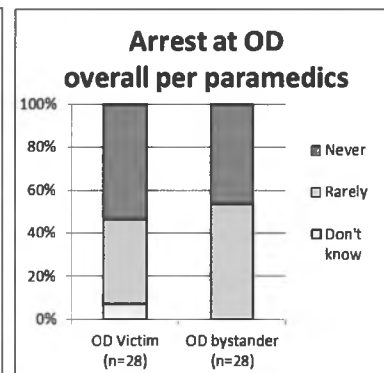
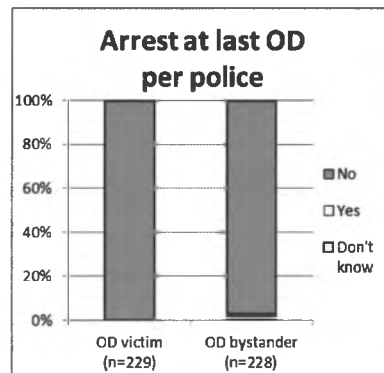
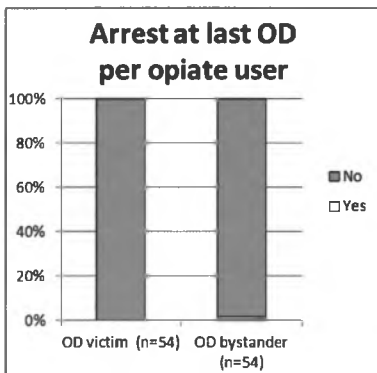
A survey conducted at syringe exchanges found that 42% of opiate users (n=355) had witnessed an opiate overdose in the prior year and 911 was called in 50% of those incidents. Police responded along with medics 62% of the time, but only 1 person was reported to have been arrested at the scene of an overdose. Just one-third of opiate users had heard of the Good Samaritan law. According to the survey, 88 percent indicated that now that they were aware of the law they would be more likely to call 911 during future overdoses.



The majority of police (62%) say they have been at an overdose scene in the past year, yet few had heard of the law (16%) or could correctly identify who the law protects (7%) according to surveys conducted by the research team. Subsequent to learning about the law, 62% of police surveyed said the law would not change their behavior during future overdoses because they would not have made an arrest for possession anyway, 20% were unsure what they would do, and 14% said they would be less likely to make such an arrest.



Paramedics were surveyed to help triangulate and verify the experiences reported by opiate users and police, to date approximately half of Seattle paramedics have been surveyed. Paramedics (n=28) reported that police are usually at the scene of overdoses, but that arrests of overdose victims or bystanders rarely occur. These findings parallel data from opiate users and police. Paramedics transport approximately 45 serious opiate overdoses each month in Seattle according to initial findings from 2011 incident reports being abstracted in preparation for outcome analyses.



## LIMITATIONS

Initial results are limited to cross-sectional, descriptive analyses from a single city. Drug use and overdoses are notoriously difficult to measure and therefore evaluating the impact of a law on drug overdoses and related behaviors is subject to many measurement limitations. To help address these limitations, data from multiple perspectives have been collected. This form of triangulation can help improve the validity of findings. Findings are limited to the Seattle area and the implementation and potential impacts of such laws may vary substantially depending upon the legal and public health environments in other locales.

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## CONCLUSION

Dealing with the consequences of overdoses is a frequent part of the work and lives of police, paramedics and opiate users according to initial study results. The 911 Good Samaritan overdose law essentially makes the existing law on the streets formally the law on the books. Although arrests during overdose situations are very rare, drug users expressed fear of arrest as a reason they do not call 911 during overdoses. However, drug users now overwhelmingly state that the Good Samaritan law makes them more likely to call 911 in the future.

Despite lingering concerns about possible negative consequences of the new law, such as prosecutions being impeded, no evidence of negative consequences has been found to date. The research team continues to actively study the impacts of the law on arrests, calls to 911 during overdoses, the severity of overdoses, and ultimately the number of non-fatal and fatal overdoses. Additional research is needed to look at the impact of the law on other controlled substances (illegal and prescription drugs) as well as other areas of Washington State.

Given the substantial impact of drug overdoses in both human and economic terms, and the lack of apparent negative consequences of Good Samaritan overdose laws, other states should consider this legislative approach as an integral part of their plan to improve public health.

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This research was funded by the Robert Wood Johnson Foundation's Public Health Law Research Program.

Many thanks Public Health-Seattle & King County, the Seattle Police Department, the Seattle Fire Department and to all those who participated in surveys and interviews.

For additional information Caleb J. Banta-Green [calebbg@uw.edu](mailto:calebbg@uw.edu) 206-685-3919 | <http://adai.uw.edu>

### **Websites referenced in this document**

2011 Public Health-Seattle & King County Syringe Exchange Survey  
<http://adai.uw.edu/pubs/infobriefs/2011NXsurvey.pdf>

Prescription opiate patient education flier  
<http://here.doh.wa.gov/materials/safe-use-of-prescription-pain-medication>

Public Health-Seattle & King County  
<http://www.kingcounty.gov/healthservices/health/communicable/hiv/HarmReduction.aspx>

Press conference announcing Good Samaritan overdose law <http://tinyurl.com/wa-good-sam>

WA State Law addressing drug overdoses <http://apps.leg.wa.gov/RCW/default.aspx?cite=69.50.315>

RWJ Public Health Law Research Program <http://www.publichealthlawresearch.org>

CDC 2009 Mortality Report [http://www.cdc.gov/nchs/data/nvsr/nvsr59/nvsr59\\_04.pdf](http://www.cdc.gov/nchs/data/nvsr/nvsr59/nvsr59_04.pdf)

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**Citation:** Banta-Green CJ, Kuszler PC, Coffin PO, Schoeppe JA. Washington's 911 Good Samaritan Drug Overdose Law - Initial Evaluation Results. Alcohol & Drug Abuse Institute, University of Washington, November 2011. URL: <http://adai.uw.edu/pubs/infobriefs/ADAI-IB-2011-05.pdf>

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