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## **ACLU OF RI POSITION: SUPPORT**

### **TESTIMONY IN SUPPORT OF 21-H 5397, RELATING TO THE GOOD SAMARITAN OVERDOSE PREVENTION ACT February 23, 2021**

The ACLU of Rhode Island supports this bill, expanding the scope of the Good Samaritan Overdose Prevention Act to provide individuals protection from prosecution for certain drug crimes if they have contacted police to address any medical emergency, not just a drug overdose. The Act's lifesaving effects are already well documented, and expansion of the Act can only increase the number of lives saved in the fight against drug overdoses.

In supporting this bill, we also encourage the committee to consider its expansion in two ways. Immunity under the law currently is generally limited to those offenses relating to possession of a controlled substance. As a result, individuals who believe they could be charged with delivery-related offenses – such as those who bring drugs to share with their friend – are potentially dissuaded from calling for help in serious medical emergencies. The potential negative effect that the current limitation may have in deterring individuals from seeking medical assistance simply cannot be ignored. Amending the bill to protect against prosecution for delivery, as well as possession, offenses would be an important addition in promoting calls for help.

Secondly, despite the fact that the Good Samaritan law has been on the book for years now, some law enforcement agencies continue to ignore it and charge people with offenses that clearly fall within the statute's zone of protection. Only last month, a judge chided the State for having brought drug charges against an individual who had sought overdose help. *State v. Fortes*, P2-2020-0114AG (2/5/2021). The ACLU urges the addition of a remedies section to the bill that would allow individuals wrongly charged or arrested under the law to sue for damages for the harm caused by the unlawful charge and/or arrest.

No individual should be forced to make a choice between life-saving medical treatment and going to prison, and this legislation's expansion of the Good Samaritan Act will ensure that fewer drug users will be placed in that precarious, and sometimes fatal, position. The ACLU of Rhode Island respectfully urges the committee's approval of this legislation, along with the two amendments we have proposed.

Submitted by: Steven Brown, Executive Director