



128 Dorrance Street, Suite 400  
Providence, RI 02903  
Phone: (401) 831-7171  
Fax: (401) 831-7175  
[www.riaclu.org](http://www.riaclu.org)  
[info@riaclu.org](mailto:info@riaclu.org)

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

### **TESTIMONY IN SUPPORT OF 22-S 2213, RELATING TO THE GOOD SAMARITAN OVERDOSE PREVENTION ACT May 5, 2022**

The ACLU of Rhode Island strongly supports the goals of this bill, and particularly the provisions on Page 1 of the legislation which expand the scope of the Good Samaritan Overdose Prevention Act.

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 when witnessing a drug overdose. The potential negative effect that the current limitation may have in deterring individuals from seeking medical assistance simply cannot be ignored. Amending the current law, as this bill does, to protect against prosecution for delivery, as well as possession, offenses would be an important addition in promoting calls for help.

In addition, the legislation would provide individuals protection from prosecution for these 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 so expansion of the Act in this manner can only increase the number of lives saved in the fight against drug overdoses.

At the same time, the ACLU urges the addition of a remedies section to the bill to allow individuals wrongly charged under the law to sue for the harm caused by the unlawful arrest. Only last year, a judge chided the State for bringing drug charges against an individual who had sought overdose help. *State v. Fortes*, P2-2020-0114AG (2/5/2021). Since the Good Samaritan law has been on the books for years now, there is no excuse for police to charge people with offenses that clearly fall within the statute's zone of protection.

In sum, 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 urges the committee to expand the scope of the law's protection and to further consider the inclusion of a provision for remedies.

Thank you for considering our views.