

SB394

TESTIMONY

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulupd.org



KIRK W. CALDWELL
MAYOR

LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE JI-TA

February 4, 2013

The Honorable Josh Green, Chair
and Members
Committee on Health
The Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Green and Members:

Subject: Senate Bill No. 394, Relating to Medical Amnesty

I am Jerry Inouye, Captain of the Narcotics/Vice Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department opposes Senate Bill No. 394, Relating to Medical Amnesty. We recommend that the following amendments be made.

On page 3, lines 11 to 15 should be amended to read, "329- Overdose prevention; limited immunity. (a) A person shall not be charged, subject to civil forfeiture, or otherwise prosecuted for possession of a controlled substance or drug paraphernalia under this chapter, chapter 281, or [part IV of chapter 712] sections 712-1243, 712-1246, 712-1246.5, 712-1249, or 712-1250 if:" This would limit the immunity to those in violation of laws involving drug possession. As currently written, even major drug traffickers could seek immunity using the law.

On page 4, lines 1 and 2 should be amended to read, "Evidence of the specific violation was gained solely as a result of the person's seeking medical assistance." Amnesty should be granted only if the evidence is gained solely as a result of the person seeking medical assistance. This would preclude drug abusers whose apprehension was imminent based on other evidence from calling for medical assistance merely to avoid prosecution.

One of the goals of this bill is to enable individuals to make lifesaving decisions promptly and without hesitation. Therefore, we recommend that on page 4, lines 9 to 11 be amended to read, "Evidence of the specific violation was gained solely as the result of the person's drug-related overdose and] seeking medical assistance for a drug-related overdose [and the person's need for medical assistance]."

The Honorable Josh Green, Chair
and Members
Page 2
February 4, 2013

We recommend that on page 4, lines 12 to 14 be amended to read, "This section shall not apply to a prosecution where the person who sought the medical assistance [sold] distributed the drugs to the drug-related overdose victim."

The Honolulu Police Department urges you to oppose Senate Bill No. 394, Relating to Medical Amnesty, as written. Should the bill be amended as recommended above, we would then support this bill.

Thank you for the opportunity to testify.

Sincerely,



JERRY INOUE, Captain
Narcotics/Vice Division

APPROVED:



LOUIS M. KEALOHA
Chief of Police

Committee on Health

Senator Josh Green, Chair

Senator Rosalyn H. Baker, Vice Chair

Monday, February 4, 2013 – 1:15 PM

Conference Room 229

RE: STRONG SUPPORT FOR SB 394 – Medical Amnesty

Dear Chair Green, Vice Chair Baker and members of the committee,

My name is Alan Katz, I am writing on my own behalf not on the part of the University of Hawaii where I am a professor of Public Health. I am providing testimony in strong support of SB 394, which provides amnesty for those calling 911 in the event of an accidental drug overdose.

Data from the Hawaii Department of Health (DOH) has shown an increase over the past five years in unintentional injury-related deaths from fatal drug overdoses. The rate of fatal drug overdoses per 100,000 population was higher in Hawaii (13 per 100,000) compared with the nation as a whole (10/100,000) and was the second leading cause of unintentional injury-related deaths in the Hawaii in 2011.

The number one reason cited among for not calling 911 in response to an overdose is fear of arrest for drug possession. SB 394 will give amnesty for drug possession, but will not protect people from arrest or prosecution for other offenses, such as drug trafficking. At least twelve other states have similar so called “Good Samaritan” legislation, and over 90 college campuses have policies which provide protection from prosecution for witnesses who call 911. SB 394 will save lives by making it more likely for witnesses to call 911; this bill prioritizes saving lives over drug possession.

Thank you for the opportunity to provide this testimony and thank you in advance for your support of SB 394.

Sincerely,

Alan R. Katz, MD, MPH

From: [Andrea Tischler](#)
To: [HTHTestimony](#)
Subject: Testimony on SB394 Good Samaritan Bill
Date: Friday, February 01, 2013 12:37:14 PM

To: Senator Josh Green, Chair
Senator Rosalyn Baker, Vice Chair and
Members of the Committee on Health

From: Andrea Tischler

RE: SB 394 Relating to Medical Amnesty
Hearing: Monday, February 4, 2013, 1:15 p.m., Room 229

Position: Support

Mahalo for the opportunity to submit testimony on SB394, the good Samaritan bill. I support passage of this bill as it will save lives, the most important gift we have. There is no reason for a person who has overdosed to not call 911 because he or she fears arrest. People make mistakes all the time and this could be a mistake that could cost them their life. Life is too precious to loose because of the fear of being arrested. Mahalo for your compassion.

Andrea Tischler



Hawaii Women's Coalition

Senate Committee on Health

Senator Josh Green, Chair

Senator Rosalyn H. Baker, Vice Chair

DATE: Monday, February 4, 2013

TIME: 1:15 p.m.

PLACE: Conference Room 229

SUPPORT FOR SB 394 – Relating to Medical Amnesty

Aloha Chair Green, Vice Chair Baker and Committee Members,

The Hawai`i Women's Coalition is in strong support of this measure.

This bill, SB 394, will provide amnesty for drug possession to those calling 911 in the event of a drug overdose. Fear of getting arrested is the number one reason witnesses to an overdose don't call 911. At the Community Health Outreach project (CHOW), more than one person has died because witnesses were too afraid to call 911.

Unintentional drug overdoses are on the rise. Drug overdose rates have more than tripled since 1990 in the U.S.

Overdose is also on the rise in Hawai`i with 173 deaths in 2011. Overdose was the 2nd leading cause of unintentional injury-related death in 2011. Maui experienced twice as many overdose deaths in 2011 compared to 2010. Hawaii's overdose rate in 2011 (13.3 /100,000) is much higher than national average

The bottom line is that medical amnesty policies save lives. They have already gained acceptance on college campuses and in other states. At least 91 college campuses have written policies and ten states (New Mexico, Washington, Colorado, Connecticut, Massachusetts, New York, Florida, Illinois, Rhode Island, and California) have enacted state laws.

Clearly saving lives is more important than charging people with drug possession. This bill will not provide amnesty for other offenses, just for drug possession and therefore is compatible with public safety as well as public health. Surely our state needs to address the problem with this simple fix.

Mahalo,

Ann S. Freed

Co-Chair Hawai`i Women's Coalition

95-227 Waikalani Dr. A403

Mililani, HI 96789

808-623-5676

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: cjshimabukuro@gmail.com
Subject: *Submitted testimony for SB394 on Feb 4, 2013 13:15PM*
Date: Sunday, February 03, 2013 5:01:52 PM

SB394

Submitted on: 2/3/2013

Testimony for HTH on Feb 4, 2013 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Chad Shimabukuro	Individual	Support	No

Comments:

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Honolulu, HI 96813
Phone (808) 853-3292 Fax (808) 853-3274
www.chowproject.org

Committee on Health

Senator Josh Green, Chair
Senator Rosalyn H. Baker, Vice Chair

Monday, February 4, 2013 - 1:15 PM
Conference Room 229

RE: STRONG SUPPORT FOR SB 394 - Medical Amnesty

Dear Chair Green, Vice Chair Baker and members of the committee,

My name is Heather Lusk, and I am writing on behalf of the CHOW Project to respectfully urge you to support SB 394, which provides amnesty for those calling 911 in the event of an accidental drug overdose.

Unintentional drug overdoses are on the rise in Hawaii

According to the Hawaii Department of Health (DOH), overdose was the second leading cause of unintentional injury-related deaths in the State in 2011 and has been on the rise over the past five years. While Oahu continues to have the largest number of fatal overdoses, Maui saw almost twice the amount of fatal overdoses in 2011 compared to 2010. This mirrors fatal overdoses on the U.S. continent where 100 people die everyday from overdose and it is the leading cause of accidental death, however Hawaii has a higher than average rate of overdoses (13.3 per 100,000 compared with 9.7 nationwide). These overdoses can be prevented with a comprehensive approach including education, prescription drug monitoring and training people how to prevent and respond appropriately to overdoses.

SB 394 will save lives by making it more likely for witnesses to call 911

The number one reason cited among CHOW participants and in other research for not calling 911 in response to an overdose is fear of arrest for drug possession. SB 394 will give amnesty for drug possession, but will not protect people from arrest or prosecution for other offenses, such as drug trafficking. At least twelve other states have similar so called "good samaritan" legislation and over 90 college campuses have policies which provide protection from prosecution for witnesses who call 911. This bill prioritizes saving lives over drug possession.

The Community Health Outreach Work (CHOW) Project is dedicated to serving individuals, families and communities adversely affected by drug use, especially people who inject drugs, through a participant-centered harm reduction approach. CHOW works to reduce drug-related harms such as but not limited to HIV, hepatitis B/C and overdose. CHOW supports the optimal health and well-being of people affected by drug use throughout the State of Hawaii. CHOW has operated the statewide syringe exchange program for the past twenty years. In 2010, CHOW surveyed participants about their experience with overdose and more than half of CHOW's participants had witnessed an overdose in the

past two years. Unfortunately, we have lost more than one participant to overdose when 911 was not called out of fear. However, this issue does not only affect our participants. According to DOH, most of the overdoses 2004-2008 were from legitimately prescribed opiates.

Thank you for taking the time to read my testimony and please support saving lives by supporting SB 394.

Sincerely,

Heather Lusk
Executive Director
CHOW Project
hlusk@chowproject.org

February 1, 2013

Committee on Health

Senator Josh Green, Chair

Senator Rosalyn H. Baker, Vice Chair

Monday, February 4, 2013 – 1:15 PM

Conference Room 229

RE: STRONG SUPPORT FOR SB 394 – Medical Amnesty

Dear Chair Green, Vice Chair Baker and members of the committee,

My name is Jean L. Mooney and I am speaking to you as an ex- IV drug addict. I currently have seven (7) years clean and sober, and I work hard to help others just like I was; I manage a women's clean and sober house, among other things.

I can say with first-hand experience that I have witnessed several unintentional drug overdoses by people who were addicts. In most cases, other addicts that were present during said overdoses ran from the scene without rendering aid for fear of criminal prosecution.

What a blessing SB 394, the "Good Samaritan" bill, would be to those who have accidentally overdosed. I believe this bill would save their lives by encouraging the other addicts who are witness to the overdose to call 911 to save someone's life. This is a life-or-death matter, and it is time for the lawmakers in this state to lead the way in order to help those who are unable to help themselves.

In an ideal world, there would be no drug addiction or the myriad problems that come along with it; in reality, our communities suffer with addiction and overdose, to name a couple. I am imploring you to do what is right, to preserve life, no matter who or what the person is; they are mothers, fathers, sons, daughters, but most of all they are members of our community that need our help!

Thank you for your consideration of my testimony in favor of SB 394; I appreciate your hard work and attention to the tough issues that plague our community.

Sincerely,

Jean L. Mooney



Dedicated to safe, responsible, humane and effective drug policies since 1993

February 4, 2013

To: Senator Josh Green, Chair
Senator Rosalyn Baker, Vice Chair and
Member of the Committee on Health

From: Jeanne Ohta, Executive Director

RE: SB 394 Relating to Medical Amnesty
Hearing: Monday, February 4, 2013, 1:15 p.m., Room 229

Position: Strong Support

The Drug Policy Forum of Hawai'i thanks the committee for hearing this measure and writes in strong support. This measure establishes limited immunity for individuals who seek medical assistance for victims of drug-related overdoses.

Medical Amnesty policies (also known as 911 Good Samaritan policies) are life-saving measures that enable people to make responsible decisions by shielding them from punishment when they call for medical help during an emergency relating to alcohol or other drugs. Since the threat of punitive policies can often cause hesitation during confusing and stressful party situations, the existence of a Call 911 Good Samaritan Policy is essential to ensuring that people are able to stay alive and receive help when they are in trouble.

They have already gained acceptance on college campuses to reduce overdose from alcohol and other substances. At least 91 college campuses have written policies. Ten states (New Mexico, Washington, Colorado, Connecticut, Massachusetts, New York, Florida, Illinois, Rhode Island, and California) have enacted state laws.

The primary intention isn't to reward those who make the decision to call for help when a friend is in trouble. Rather, the policy enables and empowers them to make that decision when they would otherwise hesitate. It is a preemptive policy that promotes responsible behavior rather than a reactive policy that rewards responsible behavior after the fact. This policy prioritizes saving lives over arrests for drug possession.

When someone in America overdoses, a call for help occurs less than 50% of the time; fear of police involvement is the most common reason for not calling 911 during an overdose.

Why do we need this policy? Overdoses nationwide more than doubled between 2000 and 2006. Nationally and in Hawai'i, more overdose deaths are caused by prescription drugs than all illegal

drugs combined. Drug overdose is the second leading cause of injury-related deaths among young adults ages 15-34.

In Hawai'i there were 173 overdose deaths in 2011. The increase in unintentional drug poisonings has made this the third leading cause of fatal injuries among Hawai'i residents over the last 5 years. Over 20 years, unintentional drug overdoses have surpassed car crashes, homicides, drowning, and pedestrian fatalities as a leading cause of injury mortality. Maui experienced twice as many overdose deaths in 2011 compared to 2010. Hawaii's overdose rate in 2011 (13.3 /100,000) is much higher than the national average.

Overdose deaths are preventable. The chance of surviving an overdose, like that of surviving a heart attack, depends greatly on how fast one receives medical assistance.

We ask the committee to pass this measure so that overdose deaths can be prevented. Thank you for allowing me to present testimony today.

Committee on Health

Senator Josh Green, Chair

Senator Rosalyn H. Baker, Vice Chair

Monday, February 4, 2013 – 1:15 PM

Conference Room 229

RE: STRONG SUPPORT FOR SB 394 – Medical Amnesty

Dear Chair Green, Vice Chair Baker and members of the committee,

My name is Joy Rucker, and I am writing to respectfully urge you to support SB 394, which provides amnesty for those calling 911 in the event of an accidental drug overdose.

Unintentional drug overdoses are on the rise in Hawaii

According to the Hawaii Department of Health (DOH), overdose was the second leading cause of unintentional injury-related deaths in the State in 2011 and has been on the rise over the past five years. While Oahu continues to have the largest number of fatal overdoses, Maui saw almost twice the amount of fatal overdoses in 2011 compared to 2010. This mirrors fatal overdoses on the U.S. continent where 100 people die every day from overdose and it is the leading cause of accidental death, however Hawaii has a higher than average rate of overdoses (13.3 per 100,000 compared with 9.7 nationwide). These overdoses can be prevented with a comprehensive approach including education, prescription drug monitoring and training people how to prevent and respond appropriately to overdoses.

SB 394 will save lives by making it more likely for witnesses to call 911

The number one reason cited among participants at Syringe Exchange Programs and in other research for not calling 911 in response to an overdose is fear of arrest for drug possession. SB 394 will give amnesty for drug possession, but will not protect people from arrest or prosecution for other offenses, such as drug trafficking. At least twelve other states have similar so called “good samaritan” legislation and over 90 college campuses have policies which provide protection from prosecution for witnesses who call 911. This bill prioritizes saving lives over drug possession.

I was living in Northern California four years ago when my godchild woke me up in the middle of the night, crying “Something is wrong with my Mommy, she threw up and she won’t open her eyes” as soon as I entered the bedroom I realized her mother was overdosing. My immediate response was fear, fear she would die in front of her child, and fear the police would report her to Department of Children Services. I called 911

because I knew I could not live with myself if she died. The EMT's saved my godchild's mother's life and saved a lifetime of grief for a 10 year old.

Many times people will try save people who overdose with methods that are harmful and waste valuable time. Before I began my journey into recovery, I overdosed and my friends panicked. Instead of calling 911, they called other people for suggestions, finally they threw me in the bath tub, where I cracked my head and bruised my eye. Now I'm bleeding and potentially drowning because they were too afraid to call for help. I managed to come out of it and would not be a productive tax paying, voting member of society if I had overdosed.

Please pass this bill, it will save lives.

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: kpuahi@hotmail.com
Subject: Submitted testimony for SB394 on Feb 4, 2013 13:15PM
Date: Friday, February 01, 2013 10:21:53 AM

SB394

Submitted on: 2/1/2013

Testimony for HTH on Feb 4, 2013 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Kavika Puahi	Individual	Support	No

Comments: People cannot change and right their lives if they're dead and those who watched them die, while too afraid to make that 911 call, will never be able to erase that day from their minds. This bill isn't just about saving lives, it's also about hope that one day all those involved will pay witness to a better, prosperous and drug free life. Mahalo.

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From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: knapihaa@chowproject.org
Subject: Submitted testimony for SB394 on Feb 4, 2013 13:15PM
Date: Friday, February 01, 2013 4:33:36 PM

SB394

Submitted on: 2/1/2013

Testimony for HTH on Feb 4, 2013 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Napihaa	Community Health Outreach Worker Project (CHOW)	Support	Yes

Comments: I wouldn't want to see anyone go through a senseless death that could and should have been prevented. If someone had made a conscious decision to save a life instead of making a decision to follow a law that makes it unlawful with many people would have benefited and could still be alive. Please take the preventive side and let the bill pass. Thank you.

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Committee: Committee on Health
Hearing Date/Time: Monday, February, 4, 2013, 1:15 p.m.
Place: Conference Room 229
Re: Testimony of the ACLU of Hawaii in Support of S.B. 394, Relating to Medical Amnesty and Drug Overdoses

Dear Chair Green and Members of the Committee on Health:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support of S.B. 394, which establishes limited immunity to individuals who seek medical assistance for victims of drug-related overdoses.

Many drug overdose incidents take place in the presence of friends, who could help avoid the victim's death by acting quickly to seek help. However, they often hesitate to seek that help because they fear arrest and prosecution on drug charges. The ACLU supports legislation—similar to New Mexico's 911 Good Samaritan Law—that would provide immunity from prosecution to people who report a drug overdose in order to help the victim. Such legislation would save lives and focus public resources on resolving medical emergencies.

Thank you for this opportunity to testify.

Sincerely,
Laurie A. Temple
Staff Attorney and Legislative Program Director
ACLU of Hawaii

About the American Civil Liberties Union of Hawaii

The American Civil Liberties Union of Hawaii (“ACLU”) has been the state’s guardian of liberty for 47 years, working daily in the courts, legislatures and communities to defend and preserve the individual rights and liberties equally guaranteed to all by the Constitutions and laws of the United States and Hawaii.

The ACLU works to ensure that the government does not violate our constitutional rights, including, but not limited to, freedom of speech, association and assembly, freedom of the press, freedom of religion, fair and equal treatment, and privacy.

American Civil Liberties Union of Hawaii
P.O. Box 3410
Honolulu, Hawaii 96801
T: 808-522-5900
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E: office@acluhawaii.org
www.acluhawaii.org

Chair Green and HTH Committee Members
February 4, 2013
Page 2 of 2

The ACLU network of volunteers and staff works throughout the islands to defend these rights, often advocating on behalf of minority groups that are the target of government discrimination. If the rights of society's most vulnerable members are denied, everyone's rights are imperiled.

American Civil Liberties Union of Hawai'i
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Committee on Health

Senator Josh Green, Chair
Senator Rosalyn H. Baker, Vice Chair

Monday, February 4, 2013 – 1:15 PM

Conference Room 229

RE: STRONG SUPPORT FOR SB 394 – Medical Amnesty

Dear Chair Green, Vice Chair Baker and members of the committee,

My name is Lorraine Marais, and I am writing as the President of the Chow Board to respectfully urge you to support SB 394, which provides amnesty for those calling 911 in the event of an accidental drug overdose.

Unintentional drug overdoses are on the rise in Hawaii

According to the Hawaii Department of Health (DOH), overdose was the second leading cause of unintentional injury-related deaths in the State in 2011 and has been on the rise over the past five years. While Oahu continues to have the largest number of fatal overdoses, Maui saw almost twice the amount of fatal overdoses in 2011 compared to 2010. This mirrors fatal overdoses on the U.S. continent where 100 people die every day from overdose and it is the leading cause of accidental death, however Hawaii has a higher than average rate of overdoses (13.3 per 100,000 compared with 9.7 nationwide). These overdoses can be prevented with a comprehensive approach including education, prescription drug monitoring and training people how to prevent and respond appropriately to overdoses.

SB 394 will save lives by making it more likely for witnesses to call 911

The number one reason cited among CHOW participants and in other research for not calling 911 in response to an overdose is fear of arrest for drug possession. SB 394 will give amnesty for drug possession, but will not protect people from arrest or prosecution for other offenses, such as drug trafficking. At least twelve other states have similar so called "good Samaritan" legislation and over 90 college campuses have policies which provide protection from prosecution for witnesses who call 911. This bill prioritizes saving lives over drug possession.

The Community Health Outreach Work (CHOW) Project is dedicated to serving individuals, families and communities adversely affected by drug use, especially people who inject drugs, through a participant-centered harm reduction approach. CHOW works to reduce drug-related harms such as but not limited to HIV, hepatitis B/C and overdose. CHOW supports the optimal health and well-being of people affected by drug use throughout

the State of Hawaii. CHOW has operated the statewide syringe exchange program for the past twenty years. In 2010, CHOW surveyed participants about their experience with overdose and more than half of CHOW's participants had witnessed an overdose in the past two years. Unfortunately, we have lost more than one participant to overdose when 911 was not called out of fear. However, this issue does not only affect our participants. According to DOH, most of the overdoses 2004-2008 were from legitimately prescribed opiates.

Thank you for taking the time to read my testimony and please support saving lives by supporting SB 394.

Sincerely,

A handwritten signature in cursive script, reading "L. Marais", written in black ink on a white background. The signature is positioned above a thin horizontal line.

Lorraine C. Marais

Board President CHOW Project
lmarais@hpu.edu

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: matrifkin28@gmail.com
Subject: Submitted testimony for SB394 on Feb 4, 2013 13:15PM
Date: Friday, February 01, 2013 11:40:18 AM

SB394

Submitted on: 2/1/2013

Testimony for HTH on Feb 4, 2013 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew Rifkin	Individual	Support	No

Comments: I strongly support this bill, which places the health of a person at the top priority. Hawaii was one of the few states to allow for needle exchange, which is a very progressive concept. It follows that not penalizing a person for making a 911 call when someone has ODED on an illegal drug. This is good and compassionate and should be passed.

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LATE



Medicine Buddha and Bodhisattvas

SB394 RELATING TO MEDICAL AMNESTY.

The #1 Primary and Over Riding Responsibility of the State is to protect the Right to Life and Right to Medical Care. The Doctor Patient Relationship is Privileged. The Right of Privacy keeps government 100% out of medical care, no cops on call.

The Blue Laws derived from the era of the Christian Prohibitionist Party, each and every one, has been harmful to the individual and harmful to society. Over the years most of these Blue Laws have been slowly repealed. Doing Business on Sunday was repealed in the 1950's. Laws against heterosexual bedroom practices were repealed in most states, maybe in the 60's or 70's, no more bedroom police in most states.

Laws against homosexuals and laws against devil drugs, The Last Two Social Plagues from these political extremists are dissolving as we speak.

The #1 Primary and Over Riding Responsibility of the State is to protect the Right to Life and Right to Medical Care.

A delay in emergency medical care because of inter-fear-ing from cops because of bad social law is BAD SOCIAL LAW.

SB 394 in a small part helps correct this injustice.

The NY Times recently reported that because drug research develops dosages based upon the average man, and because woman's drug metabolism is different and may be affected due to monthly hormonal cycles, women are generally given the wrong dosage and are more likely to overdose.

More importantly at this time it would be for the Senate to recognize that all issues

involving medical care or medicine or drugs or drug abuse must Constitutionally be within the direction of medically trained professionals or professionals in public health, that is the Department of Health.

HRS 329 must be amended to **Delete Public Safety** completely from any issue involving Controlled Substances, Health or Medical Care and or medicines and **Insert the Department of Health**. In issues concerning taxation, they should be under Department of Taxation. Just make sense.

Cops, and government itself, are not permitted by federal law to be involved in health care management or health care decisions. NO POWER UNDER THE RIGHT OF PRIVACY.

There are a few bills to accomplish this Constitutionally Required power shift which should be heard immediately, if not sooner.

Suggested Language Changes:

Please consider using the following language as a “header” in the bill and then list the various detailed particulars as written.

Any person seeking medical care or emergency medical care and any person assisting or calling 911 for emergency care shall be protected from criminal prosecution in the event that controlled substances, or alcohol is involved, discovered, identified or otherwise found or involved.

Delete the exception to this exception if you want to save lives.

Delete: Page 4 line 12 - 14

~~(e) This section shall not apply to a prosecution where the person who sought the medical assistance sold the drugs to the drug related overdose victim.~~

Delete this because #1 Failed Drug Policy [by failed we mean that the drug policy is worse than the drug itself, more social harm and more individual harm from bad drug policy]. #2 People still won't call even if they didn't sell any drugs cause the cops are trained to lie. Nobody trusts the cops. The just spent 1 hour lying about Marijuana in HB 699 hearing, another federal Color of Law crime.

Correct missing language:

"drugs-related overdose" should (must) include “prescription drugs” because it may not be their prescription drug, the prescription drug may have been obtained illegally or from a friend [who the cops would say is the dealer].

At some of these parties it is rumored that many people throw Rx drugs in a big bowl and people eat them like jelly beans. They all would be dealers and exempt from the exemption, meaning the kid dies or kids die.

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: nkern5@yahoo.com
Subject: Submitted testimony for SB394 on Feb 4, 2013 13:15PM
Date: Friday, February 01, 2013 12:19:16 PM

SB394

Submitted on: 2/1/2013

Testimony for HTH on Feb 4, 2013 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy kern	Harm Reduction Hawaii	Support	No

Comments: Harm Reduction Hawaii RE: SB 394 to be heard Monday February 4, 2013 at 1:15 PM in conference room 229 Strong Support with additional suggestion To the Senate Committee on Health Dear Senators: Harm Reduction Hawaii strongly supports SB 394. It reduces the harms involved in problematic drug use by putting live saving ahead of the state's desire to punish. We would like to suggest that legislators take time, perhaps after session, to meet with leaders from the various non profits and state agencies that make up the harm reduction community here to review other areas where the legislature could improve the delivery of social services and deal more rationally with social problems. As a coordinating and educational entity Harm Reduction Hawaii would be more than happy to assist in this useful process. Thanks for your attention to my testimony, Nancy Kern Board Member

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Aloha Chair Green, Vice Chair Baker, and members of the Committee.

My name is Ronald Schaeffer and I am writing in strong support of SB 394 and to urge passage of the bill, which grants limited amnesty or immunity from prosecution, a Good Samaritan bill, for individuals who witness an accidental drug overdose and call for medical help.

As noted in Section 1 of the proposed bill, accidental drug overdoses more than doubled between 2000 and 2006 and caused more deaths nationally among persons aged thirty-five to fifty-four than did motor vehicle accidents; it was the second leading cause of death for people ages fifteen to thirty-four. There were more deaths from prescription drug overdoses nation-wide and in Hawaii than from all illegal drugs combined. Every one of these people who died was someone's mother, father, son, daughter, spouse, or friend. Every one of them was loved and cared for by someone, and every one of them counts as a person in their own right regardless of their ill-advised or illegal actions. Your support and passage of SB 394 can help prevent some of these accidental overdose deaths and save lives that might otherwise be lost.

A very common reason why people die of accidental drug overdoses, from both legal prescription drugs and from illegally used drugs, is that witnesses to such an overdose are afraid that if they have drugs or drug paraphernalia in their possession and they call for help they will be arrested and prosecuted, so they don't call. In fact, such witnesses often leave the scene completely and the overdose victim gets no timely medical help whatsoever, and dies as a result. Passage of SB 394 will help increase the likelihood that drug overdose victims will get timely and appropriate medical care. It will help to save the lives of loved ones which otherwise would needlessly be cut short. What it won't do is cause drug use to increase or reward the inappropriate or illegal use of drugs.

As a Registered Nurse with almost twenty years of experience in emergency and trauma care, mostly in major medical centers, and as one who has seen an uncountable number of such drug overdoses, many of them fatal because medical care was either summoned too late or not at all, I can attest that passage of SB 394 will go a long way toward saving lives. I urge you all to do the right thing as loving, caring, compassionate human beings and pass SB 394 so that fewer people will die needlessly from accidental drug overdoses. The one who is saved could be one of your own!

Sincerely

Ronald P. Schaeffer, R.N. (retired)

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: theede@hawaii.rr.com
Subject: Submitted testimony for SB394 on Feb 4, 2013 13:15PM
Date: Sunday, February 03, 2013 9:07:53 AM

SB394

Submitted on: 2/3/2013

Testimony for HTH on Feb 4, 2013 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Teri Heede	Individual	Support	No

Comments: Mahalo for allowing me to testify in SUPPORT of medical amnesty. It is the RIGHT thing to do!

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

TESTIMONY

Harm Reduction Hawaii
c/o 1658 Liholiho St #205
Honolulu, HI 96822

RE: SB 394 to be heard Monday February 4, 2013 at 1:15 PM in conference room 229

Strong Support with additional suggestion

To the Senate Committee on Health

Dear Senators:

Harm Reduction Hawaii strongly supports SB 394. It reduces the harms involved in problematic drug use by putting live saving ahead of the state's desire to punish.

We would like to suggest that legislators take time, perhaps after session, to meet with leaders from the various non profits and state agencies that make up the harm reduction community here to review other areas where the legislature could improve the delivery of social services and deal more rationally with social problems. As a coordinating and educational entity Harm Reduction Hawaii would be more than happy to assist in this useful process.

Very Truly Yours:



Tracy Ryan
Executive Director

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