

SB 2215

RELATING TO MEDICAL AMNESTY

Establishes limited immunity for individuals who seek medical assistance for victims of alcohol or drug-related overdoses or themselves during an alcohol or drug-related overdose emergency.

PSM, JDL



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

Committee on Public Safety, Intergovernmental and Military Affairs

SB 2215, RELATING TO MEDICAL AMNESTY

**Testimony of David Sakamoto, MD, MBA
Deputy Director, Health Resources Administration**

February 13, 2014

1 **Department's Position:** The Department of Health supports SB 2215 but defers to other agencies in
2 regards to the impact this might have on law enforcement.

3 **Fiscal Implications:** None

4 **Purpose and Justification:** This measure seeks to improve the outcomes from drug poisoning
5 episodes by encouraging those who may be affected by an overdose, or those around the victim, to seek
6 medical attention by calling 911. It has been noted that the fear of arrest or prosecution may cause
7 unnecessary deaths and bad outcomes that might have been avoided if appropriate help was sought
8 sooner. This harm reduction strategy is a promising practice in reducing drug poisonings. Similar
9 legislation has been passed in 17 other states and Washington, D.C. In order for this measure to be
10 effective, the public needs to be made aware of medical amnesty as a lifesaving measure for individuals
11 at risk for overdose.

12 Drug poisoning is a serious public health problem in Hawaii and across the nation. Fatal drug
13 poisonings among Hawaii residents have increased significantly over the last 20 years, most consistently
14 over the 2001-2011 period to make it a leading cause of fatal injuries and a critical public health
15 problem. There was an increase from 89 deaths per year in the 1999-2003 period to 163 deaths per year

Promoting Lifelong Health & Wellness

1 over the 2008-2012 period. Almost all of the unintentional poisonings in the 2001-2012 period were
2 drug-related (94%, or 901 of 957), including 38% of deaths that involved opioid pain relievers. When
3 injuries of all intent were considered for 2012 (intentional injuries such as suicides as well as injuries of
4 undetermined intent), drug overdose was the 2nd leading cause of injury-related death in Hawaii.

5 We defer to other agencies in regards to the impact this might have on law enforcement.

6 Thank you for the opportunity to testify.

7

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COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Rosalyn Baker, Vice Chair

Thursday, February 13, 2014

2:50 p.m.

Room 224

SUPPORT FOR SB 2215 - MEDICAL AMNESTY

Aloha Chair Espero, Vice Chair Baker and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies for more than a decade. This testimony is respectfully offered on behalf of the 5,800 Hawai'i individuals living behind bars, always mindful that approximately 1,500 Hawai'i individuals are serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

SB 2212 establishes limited immunity for individuals who seek medical assistance for victims of alcohol or drug-related overdoses or themselves during an alcohol or drug-related overdose emergency.

Community Alliance on Prisons is in support of this measure. This bill is about saving lives.

In a hearing last session, both the Department of Health and JABSOM asked that a bill be passed in the 2014 session. Dr. Haning, Professor and Program Director, Addiction Medicine/Psychiatry at JABSOM mentioned the research supporting the laws that have been enacted in seventeen (17) states and adopted as policies by two hundred and forty (240) colleges and universities.

Hawai'i has the 34th Highest Drug Overdose Mortality Rate in the United States¹

Washington, D.C. October 7, 2013 - Hawaii has the 34th highest drug overdose mortality rate in the United States, with 10.9 per 100,000 people suffering drug overdose fatalities, according to a new report, Prescription Drug Abuse: Strategies to Stop the Epidemic.

The number of drug overdose deaths - a majority of which are from prescription drugs - in Hawaii increased by 68 percent since 1999 when the rate was 6.5 per 100,000. Nationally, rates have doubled in 29 states since 1999, quadrupled in four of these states and tripled in 10 more.

¹ Trust for America's Health, *Hawaii Scored Six out of 10 on New Policy Report Card of Promising Strategies to Help Curb Prescription Drug Abuse*. <http://healthyamericans.org/reports/drugabuse2013/release.php?stateid=HI>

- From 2005-2012, drug poisoning/overdose was leading cause of fatal injuries in Hawai'i surpassing falls, motor vehicle, drowning and other injury-related deaths²
- In Hawai'i, in 2011 there were 207 deaths from unintentional drug poisonings/overdose³

This bill would NOT protect people from prosecution for other offenses such as drug trafficking. It would, however, provide amnesty from prosecution to people who call 911 by prioritizing the saving lives over arrests for drug possession.

The most common reason cited for not calling 911 for help during an overdose is fear of police involvement. Witnesses fear being arrested for possession or contributing to the overdose, so instead of calling 911, people may try dangerous methods to revive the victim. As policymakers, we are sure you don't want to encourage that.

Overdose deaths are preventable. The majority of drug-related overdoses occur in the presence of others and there is usually time to intervene by calling 911, performing CPR, or with an opiate blocker such as Naloxone.

We are Hawai'i – we care for and about each other. SB 2215 supports aloha and our way of life.

In the interest of saving lives, we respectfully ask the committee to pass this bill.

Mahalo for the opportunity to testify.

² Hawaii State Department of Health, Injury Prevention and Control Program

³ Id.



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Committee on Public Safety, Intergovernmental and Military Affairs

Senator Will Espero, Chair
Senator Rosalyn H. Baker, Vice Chair

Thursday February 13, 2014
2:50 PM
Conference room 224

RE: SB 2215

Dear Chair Espero, 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 2215, 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 leading cause of unintentional injury-related deaths in the State from 2005- 2012 with 201 deaths alone in 2011. 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. 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. "Good Samaritan" bills, like SB 2215 are considered one of ten best practices to prevent overdose deaths according to the Trust for America's Health.

SB 2215 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 2215 will give amnesty for drug possession, but will not protect people from arrest or prosecution for other offenses, such as drug trafficking. At least seventeen other states have similar medical amnesty legislation and over 240 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.

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

Sincerely,

Heather Lusk
Executive Director
CHOW Project
hlusk@chowproject.org

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 11, 2014 8:39 AM
To: PSMTestimony
Cc: eublalock@hotmail.com
Subject: Submitted testimony for SB2215 on Feb 13, 2014 14:50PM

SB2215

Submitted on: 2/11/2014

Testimony for PSM on Feb 13, 2014 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
elizabeth blalock	Individual	Support	No

Comments: This bill is designed to save a life at the cost of not catching a criminal present at the scene. I see no argument against it worth refuting. If the seriously ill person were your loved one you would want those at the scene to feel completely free to call the authorities for help.

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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SB2215

Submitted on: 2/11/2014

Testimony for PSM on Feb 13, 2014 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Stacy	Individual	Support	No

Comments:

SB2215

Submitted on: 2/11/2014

Testimony for PSM on Feb 13, 2014 14:50PM in Conference Room 224

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

Comments: COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS Senator Will Espero, Chair Senator Rosalyn H. Baker, Vice Chair
DATE: Thursday, February 13, 2014 TIME: 2:50 p.m. PLACE: Conference Room 224 State Capitol
It is ridiculous that people die because a person in the room when an overdose occurs is too afraid to call 911 for fear of police involvement. This should be viewed as a "Good Samaritan" situation and there shouldn't be a penalty for doing the pono thing. The majority of drug-related overdoses occur in the presence of others and this should be implemented immediately to provide a minimum amount of protection for that "Good Samaritan" Mahalo for your help on this!

SB2215

Submitted on: 2/12/2014

Testimony for PSM on Feb 13, 2014 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
daniel susott	Individual	Support	No

Comments: Get drug out of law enforcement and into public Health.

SB2215

Submitted on: 2/11/2014

Testimony for PSM on Feb 13, 2014 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Queinittra Toilolo	Individual	Support	No

Comments:

SB2215

Submitted on: 2/12/2014

Testimony for PSM on Feb 13, 2014 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Tischler	Individual	Support	No

Comments: The good Samaritan Bill provides amnesty to those calling 911 for accidental drug overdose. What can be more important than potentially saving a life at that point? With unintentional drug overdoses on the rise it eclipses all other accidents or injuries. In Hawai'i there were 207 accidental overdoses in 2011 that resulted in death. Why should victims be afraid to call 911 because of the fear of police involvement? Let's prioritize saving lives over arresting people for drug possession. Mahalo for allowing me to testify on this very important bill. Andrea Tischler Hilo, HI.