

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON HEALTH

Sen. Josh Green, Chair

Sen. Glenn Wakai, Vice Chair

## COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL & MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Rosalyn Baker, Vice Chair

Wednesday, February 11, 2015

1:45 p.m.

Room 414

## SUPPORT for SB 398–Medical Amnesty/Good Samaritan; Overdose Prevention

Aloha Chairs Espero and Green and Members of the Committees!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies for almost two decades. This testimony is respectfully offered on behalf of the 5,600 Hawai'i individuals living behind bars, always mindful that more than 1,600, and soon to be rising number of Hawai'i individuals who 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 398 establishes limited immunity for individuals who seek medical assistance for victims of overdoses of drugs or alcohol.

Community Alliance on Prisons is in strong support of this measure that is all about saving lives. 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.

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.

The following is an excerpt from an article<sup>1</sup> published in Civil Beat by an internal medicine physician at Straub Clinic and Hospital (June 2014):

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<sup>1</sup> Health Beat: **Hawaii Could Save the Lives of Many More Overdose Victims**-The state should join others that are overcoming uncomfortable questions to help speed up action to spare people who are dying from drugs, By KATHLEEN KOZAK, JUNE 23, 2014.

<http://www.civilbeat.com/2014/06/health-beat-hawaii-could-save-the-lives-of-many-more-overdose-victims>

*Does the social stigma of drug use make us less likely to care about saving the lives of addicts?*

*Statistics from the Hawaii Department of Health Injury Prevention Program indicate that from 2009 to 2013, there were 773 recorded deaths from drug poisoning in Hawaii. This tops the 618 people who died in motor vehicle accidents over the same five-year period.*

*Based on trends apparent in this data, the annual numbers of overdoses are likely to continue to rise in the next few years. Despite an increased awareness of the dangers, there is still a huge black market for prescription pain pills, which account for a significant number of the overdoses seen in the last few years.*

*When people overdose, whether intentionally or accidentally, the first people on the scene are often friends or family members. If they find a loved one within minutes of an overdose, they are – or could be – in a unique position to save them.*

According to the Department of Health presentation<sup>2</sup> at the 2014 Hawai'i Harm Reduction Conference, drug poisonings are increasing in Hawai'i:

- ~155 deaths per year, and ~4,500 hospital treatments
- Pharmaceutical opiates involved in 41% of fatal drug poisonings, and 12% to 20% of nonfatal drug poisonings.

Fatal drug poisonings in Hawaii, by various groups, 2004-2013:

- prescription drugs (55%)
- opioid pain relievers (41%)
- illicit drugs (36%)
- methamphetamine (27%)
- unspecified drugs (16%)

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.

**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.

Laws have been enacted in 17 states and adopted as policies by 240 colleges and universities. The statistics from the Injury Prevention Branch of the Hawai'i Department of Health surely provide justification for this life saving measure.

What if someone you love was in a situation like this? Wouldn't you want someone to help him or her?

Please pass this common sense, life saving measure. Mahalo for this opportunity to testify.

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<sup>2</sup> **Drug overdoses and prevention efforts in Hawaii**, Dan Galanis, Ph.D., Epidemiologist, Injury Prevention and Control Section, EMS & Injury Prevention System Branch, Hawaii Department of Health.





HAWAII SUBSTANCE ABUSE COALITION

### **SB398 RELATING TO HEALTH**

COMMITTEE ON HEALTH: Senator Josh Green M.D., Chair; Senator Glenn Wakai, Vice Chair  
COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS:  
Senator Will Espero., Chair; Senator Rosalyn Baker, Vice Chair

- Wednesday, February 11, 2015 at 1:45 p.m.
- Conference Room 414

### **HSAC Supports SB398:**

*Good Morning Chair Green; Chair Espero; Vice Chair Wakai; Vice Chair Baker; And Distinguished Committee Members. My name is Alan Johnson, Chair of the Hawaii Substance Abuse Coalition, an organization of more than thirty treatment and prevention agencies across the State.*

**The Hawaii Substance Abuse Coalition supports limited immunity for individuals who seek medical assistance for victims of overdoses of drugs or alcohol.**

Almost half of the states in the U.S. provide limited immunity from arrest or prosecution for minor drug law violations for people who summon help at the scene of an overdose.

Good Samaritan laws do not protect people from arrest for other offenses, such as selling or trafficking drugs, or driving while drugged.

These policies protect only the caller and overdose victim from arrest and/or prosecution for simple drug possession, possession of paraphernalia, and/or being under the influence.

We appreciate the opportunity to testify and are available for questions.



National Association of Social Workers Hawai'i Chapter

Date: February 10, 2015

To: COMMITTEE ON HEALTH

Sen. Josh Green, Chair

Sen. Glenn Wakai, Vice Chair

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL & MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Rosalyn Baker, Vice Chair

Wednesday, February 11, 2015 1:45 p.m.

Room 414

**The National Association of Social Workers, Hawaii Chapter (NASW) strongly supports Senate Bill 398 , relating to Health**

Good Samaritan and Medical Amnesty policies are vital to the prevention of deaths from overdoses. Most drug related overdoses happen around other people and often there is enough time from onset of symptoms to call 911, perform CPR or use medications such as Naloxone.

The most common reason for help not being provided by witnesses is fear of police involvement and concern that they will be arrested for possession or contributing to the overdose.

17 other states and 240 universities have put measures into place to protect those who help during an overdose situation. In our state, the number of drug overdoses have increased by 68% since 1999. Hawaii has the 34<sup>th</sup> highest drug overdose rate in the country with 10.9 per 10,000 people dying from an overdose (Prescription drug Abuse: Stop the Epidemic)

Drug poisoning and overdoses were the leading causes of fatal injuries in the state of Hawaii from 2005-2012, surpassing motor vehicle accidents, falls, drowning and other injury related deaths.  
more.

Thank you for your consideration.

Sincerely,

Sonja Bigalke-Bannan, MSW, LSW  
Executive Director  
National Association of Social Workers, Hawaii Chapter





## Hawaii Women's Coalition

### **COMMITTEE ON HEALTH**

Senator Josh Green, Chair

Senator Glenn Wakai, Vice Chair

### **COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS**

Senator Will Espero, Chair

Senator Rosalyn H. Baker, Vice Chair

DATE: Wednesday, February 11, 2015

TIME: 1:45PM

PLACE: Conference Room 414

**STRONG SUPPORT FOR SB 398** relating to medical amnesty, good samaritan law and overdose prevention

Aloha Chair Green, Chair Espero, Vice Chairs Baker and Wakai, and Committee Members,

I am Ann Freed, Co-Chair of the Hawaii Women's Coalition and we are in strong support of this measure.

Overdose deaths are often preventable, IF medical intervention happens in time. Sadly, the majority of drug-related overdoses occur in the presence of others and could have been prevented if someone had called 911 immediately. But, too often that does not happen.

The most common reason cited for not calling 911 during an overdose is fear of police involvement. Witnesses fear being arrested for possession or contributing to the overdose, so instead of calling 911, they may try dangerous methods to revive the victim or simply panic and run.

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 in Hawaii, a majority from prescription drugs, have increased by **68 percent** since 1999. From 2005-2012, **drug poisoning/overdose was leading cause of fatal injuries** in Hawaii surpassing falls, motor vehicle, drowning and other injury-related deaths. Many of these tragic overdoses are teenagers and young adults.

Nationally, overdose rates have doubled in 29 states since 1999, quadrupled in four of these states and tripled in 10 more.

It is important to know what this bill is not. It is not a get-out-of-jail-free card. It would NOT protect people from prosecution for other offenses such as drug trafficking. It would, however, provide amnesty from prosecution to those who call 911 by prioritizing the saving lives over arrests for drug possession.

There is precedent. Laws have been enacted in 17 states and adopted as policies by 240 colleges and universities. Enacting a law such as this bill proposes to do, is the right thing to do, the sane thing to do and the compassionate thing to do.

Please pass this bill out of committee.

Mahalo for the opportunity to testify,

Ann S. Freed Co-Chair, Hawai'i Women's Coalition

Contact: [annsfreed@gmail.com](mailto:annsfreed@gmail.com) Phone: 808-623-5676





## Community Health Outreach Work

677 Ala Moana Blvd., Suite 226  
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Phone (808) 853-3292 • Fax (808) 853-3274

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### TESTIMONY IN SUPPORT OF SB 398/SB 982 – Relating to Health

TO: Senator Josh Green, Chair; Senator Glenn Wakai, Vice Chair; Members of the Senate Committee on Health

Senator Will Espero, Chair; Senator Rosalyn H. Baker, Vice Chair; Members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs

FROM: Heather Lusk, Executive Director, CHOW Project

Hearing: Thursday, February 11, 2015 1:45PM Room 414

Dear Chair Green, Chair Espero and Members of the Committees,

Thank you for the opportunity to testify in Strong Support of SB 398 and SB 982 relating to 911 medical amnesty.

#### **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 in 2013 and has been on the rise over the past five years. 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.

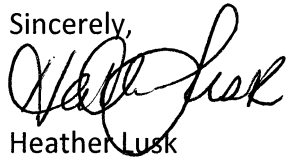
#### **SB 398/SB 982 will save lives by making it more likely for witnesses to call 911**

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 398/SB 982 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 so called “good samaritan” 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. 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.

Thank you for taking the time to read my testimony and please support saving lives by supporting SB 398/SB 982.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Lusk". The signature is fluid and cursive, with the first name "Heather" written in a larger, more prominent script than the last name "Lusk".

Heather Lusk

Executive Director

CHOW Project

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**SB398**

Submitted on: 2/10/2015

Testimony for HTH/PSM on Feb 11, 2015 13:45PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Wendy Gibson	Individual	Support	No

Comments: I support this as a harm reduction technique.

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**SB398**

Submitted on: 2/10/2015

Testimony for HTH/PSM on Feb 11, 2015 13:45PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michaela Rinkel	Individual	Support	No

Comments: I am in complete support of this bill and think that it will improve the health of our community. I am concerned because unintentional drug overdoses are on the rise. In fact from 2009-2013, drug poisoning/overdose was leading cause of fatal injuries in Hawaii. In spite of what the public thinks, overdose deaths are preventable. The majority of drug-related overdoses occur in the presence of others and there is usually time to intervene to save a life. In spite of this, many witnesses do not call 911 because of fear. In fact, the most common reason cited for not calling 911 for help during an overdose is fear of police involvement. The Good Samaritan bill will encourage people to call 911. This legislation would provide amnesty to people who call 911 from prosecution for drug possession and prioritizes saving lives over arrests for drug possession. We would join the 17 states and 240 colleges and universities have Good Samaritan laws/policies.

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**SB398**

Submitted on: 2/10/2015

Testimony for HTH/PSM on Feb 11, 2015 13:45PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stefan Keller	Individual	Support	No

Comments:

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**SB398**

Submitted on: 2/10/2015

Testimony for HTH/PSM on Feb 11, 2015 13:45PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kavika Puahi	Individual	Support	No

Comments: In Hawaii there were 150 deaths in 2013 from drug poisonings/overdose. That's 150 mothers, fathers, brothers, sisters, friends, that will never get the chance to change and find hope. 150 is more than a statistical number, its people. People that might still be alive if there wasn't so many hurdles for help.

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**SB398**

Submitted on: 2/10/2015

Testimony for HTH/PSM on Feb 11, 2015 13:45PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marilyn Mick	Individual	Support	No

Comments: This bill will save lives and I support it.

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**SB398**

Submitted on: 2/10/2015

Testimony for HTH/PSM on Feb 11, 2015 13:45PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stacy	Individual	Support	No

Comments: On 2/3/15 I witnessed an overdose while doing outreach in Chinatown. The partner of the woman who overdosed came to me in a panic because she wasn't "right" and he didn't know what to do. Her lips were blue and she wasn't breathing. I told him that we needed to call 911 and he began to panic. The registration and insurance on the vehicle they lived in was expired and he was worried that the police would impound the vehicle, leaving them homeless. We wasted precious moments arguing before i called 911 anyways. I have spent many moments since worrying about what would have happened if I, or someone else, hadn't demanded that 911 be called. Would she have lost her life because her partner was afraid of losing their home? I strongly support this Bill. Thank you so much for taking the time to hear my testimony.

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**SB398**

Submitted on: 2/10/2015

Testimony for HTH/PSM on Feb 11, 2015 13:45PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
CECILIA GREEN, RN	Individual	Support	No

Comments: Deaths from overdose deaths are preventable since most of these drug-related overdoses occur in the presence of others. Usually there is time to intervene by Calling 911, provide rescue breathing or give/provide naloxone, an Opiate blocker. Witnesses to these overdose do not call 911 because they are afraid that by calling 911 for help, police will be involved, and they will be arrested for possession or contributing to overdose. SB398/Good Samaritan legislation is one of 10 promising strategies to help curb prescription drug abuse, and will add to Hawaii's policy report card regarding these promising strategies (Hawaii's current score is 6 out of 10). This will also encourage people to call 911 and help save lives. This law would NOT protect people from prosecution for other offenses such as drug trafficking, but would provide amnesty to people who call 911 from prosecution for drug possession, as this prioritizes saving lives over arrest for drug possession 17 states and 240 colleges and universities have Good Samaritan laws/policies, it's time to have this law in Hawaii. Thank you for your time and attention. Sincerely, Cecilia Green, RN Master of Science Nursing/Family Nurse Practitioner student University of Hawaii Manoa

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**SB398**

Submitted on: 2/10/2015

Testimony for HTH/PSM on Feb 11, 2015 13:45PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Leilani Maxera	Individual	Support	No

Comments:

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