



SB982 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 SB982:

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 themselves or others experiencing a drug or alcohol overdose or other medical emergency..

HSAC supports specific immunity.

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.



Hawaii's voice for sensible, compassionate, and just drug policy

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

Wednesday, February 11, 2015

1:45 p.m.

Conference Room 414

State Capitol

415 South Beretania Street

Executive Director Rafael Kennedy,

In strong support of SB982, SB398 - Relating to Medical Amnesty

Aloha Chairs Green and Keith-Agaran, Vice Chairs Wakai and Shimabukuro, and members of the committees,

Mahalo for taking the time to hear these medical amnesty bills. They are substantially similar, but we generally support the approach taken by SB982, especially the broader definition of overdose that includes: "(2) A condition that a layperson would reasonably believe to be a drug or alcohol overdose that requires medical assistance." This will help assure people who are in doubt about whether or not to seek medical assistance that if they are wrong about the severity of an overdose, they will still get the immunity from prosecution afforded by these medical amnesty bills. This is especially important in the case of alcohol poisoning, where young people may be unsure whether their friends are in real danger. It is in the best

interest of public health that they err on the side of caution and seek help when in doubt.¹

It is important that the legislature pass a bill providing these protections soon. Drug overdose on the rise in Hawaii and around the nation. According to the CDC, it is the leading cause of injury related death for the past two decades, and kills more than 100 each day in the U.S.² From 2009-2013, drug overdose was the leading cause of fatal injuries in Hawaii, surpassing falls, motor vehicle accidents, drowning and other injury-related deaths.^{3 4} What's more: all indications are that as we tighten controls on prescription painkillers, the problem will worsen.⁵

The best data we have on users of intravenous drugs comes from the syringe exchange program run by the CHOW project, and they have reported that half of the participants in Hawaii's syringe exchange program witnessed an overdose in the past two years, and one quarter experienced an overdose themselves. This not only underscores the urgency of this legislation, but shows that it will be effective: most overdoses happen in the presence of other people, people who can call for help.

Fear is the primary reason people cite for not calling for help.⁶ This fear of prosecution drives people to convince themselves that their friends will be alright on their own, to waste time by dropping victims of overdose outside the hospital and fleeing, or to undertake risky methods to revive victims on their own. These medical amnesty bills will go a long way toward assuaging that fear, and at very little expense.⁷ The truth is that only in a

1 Mayo Clinic. "Alcohol Poisoning Definition - Diseases and Conditions," December 5, 2014. <http://www.mayoclinic.org/diseases-conditions/alcohol-poisoning/basics/definition/con-20029020>.

2 Paulozzi, Leonard J. "Prescription Drug Overdoses: A Review." *Journal of Safety Research* 43, no. 4 (September 2012): 283-89. doi:10.1016/j.jsr.2012.08.009.

3 "Drug Abuse 2013 Data for Hawaii." Accessed February 10, 2015. <http://healthyamericans.org/reports/drugabuse2013/release.php?stateid=HI>.

4 Hawaii Department of Health Injury Prevention and Control Section. "Hawaii Poisoning Data Summary," September 2013. http://health.hawaii.gov/injuryprevention/files/2013/09/poisoning_Data-Summary0812a.pdf.

5 Khazan, Olga. "How the War on Painkillers Created the New Heroin Epidemic." *The Atlantic*, October 30, 2014. <http://www.theatlantic.com/features/archive/2014/10/the-new-heroin-epidemic/382020/>.

6 Banta-Green, Caleb J., Leo Beletsky, Jennifer A. Schoeppe, Phillip O. Coffin, and Patricia C. Kuszler. "Police Officers' and Paramedics' Experiences with Overdose and Their Knowledge and Opinions of Washington State's Drug Overdose-Naloxone-Good Samaritan Law." *Journal of Urban Health: Bulletin of the New York Academy of Medicine* 90, no. 6 (December 2013): 1102-11. doi:10.1007/s11524-013-9814-y.

7 Burris, Scott; Beletsky, Leo; Castagna, Carolyn; Coyle, Casey; Crowe, Colin; and McLaughlin, Jennie Maura, "Stopping an Invisible Epidemic: Legal Issues in the Provision of Naloxone to Prevent Opioid Overdose," *Drexel Law Review* (Philadelphia, PA: Earle Mack School of Law, Spring 2009), Vol. 1, Number 2, p. 277. http://prescribetoprevent.org/wp-content/uploads/2012/11/burris_stopping... - See more at: <http://www.drugwarfacts.org/cms/Overdose#Botline>

tiny minority of cases (according to a survey of officers conducted in Washington state, less than one percent of either overdose victims or bystanders are actually arrested) will this immunity actually affect whether or not victims and witnesses of overdose are actually subject to criminal penalties.⁸ The promise of immunity however will be instrumental in helping to save many, many lives.

Much mahalo for your time and effort on these bills.

Rafael Kennedy
Executive Director,
Drug Policy Forum of Hawaii

The Drug Policy Forum of Hawaii works to educate policymakers and the public about effective ways of addressing drug issues in Hawai'i with sensible and humane policies that reduce harm, expand treatment options, and adopt evidence-based practices while optimizing the use of scarce resources.

8 Banta-Green, Caleb J., Leo Beletsky, Jennifer A. Schoeppe, Phillip O. Coffin, and Patricia C. Kuszler. "Police Officers' and Paramedics' Experiences with Overdose and Their Knowledge and Opinions of Washington State's Drug Overdose-Naloxone-Good Samaritan Law." *Journal of Urban Health: Bulletin of the New York Academy of Medicine* 90, no. 6 (December 2013): 1102-11. doi:10.1007/s11524-013-9814-y.

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Subject: Submitted testimony for SB982 on Feb 11, 2015 13:45PM
Date: Tuesday, February 10, 2015 10:30:15 AM

SB982

Submitted on: 2/10/2015

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

Submitted By	Organization	Testifier Position	Present at Hearing
Wendy Gibson	Individual	Support	No

Comments: I support this as a harm reduction technique.

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SB982

Submitted on: 2/10/2015

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

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

Comments: This bill will save lives by making it more likely for witnesses to call 911. The fear of prosecution should not cost someone their life.

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SB982

Submitted on: 2/10/2015

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

Submitted By	Organization	Testifier Position	Present at Hearing
Marilyn Mick	Individual	Support	No

Comments: Drug overdose is the NUMBER ONE cause of fatal injuries in Hawaii. Opiate overdoses can be reversed using the non-addictive antidote drug, Naloxone. We want to encourage people to call 911 if they witness any kind of overdose. We want to save lives.

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SB982

Submitted on: 2/10/2015

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

Submitted By	Organization	Testifier Position	Present at Hearing
jean l. mooney	Individual	Support	Yes

Comments: As an ex-addict and now clean and sober individual, I am in STRONG support of SB 982. When I was an active user, I saw many people overdose on opioids where the people they were with ran away and left the folks OD-ing, basically, to die. The passing of SB 982, a good Samaritan bill, will prevent unnecessary death due to overdose by providing individuals who are present during the OD, amnesty from receiving criminal charges if they call 911. Of course, this wouldn't apply to people manufacturing or trafficking drugs, but it would allow a drug user to do the right thing and call 911 for someone overdosing on drugs without the fear of legal prosecution. I am in strong support of this bill and ask that you PLEAS pass this in order to save lives. Thank you

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