

# GOOD SAMARITAN LAWS

Encouraging emergency medical treatment to reduce opioid-related deaths



## WHAT ARE GOOD SAMARITAN LAWS?

Good Samaritan laws provide legal protection from arrest, charge, or prosecution of illegal possession of drugs or drug paraphernalia when an individual witnessing or experiencing an overdose seeks emergency services. Additionally, Good Samaritan laws often protect witnesses from liability for accidental damage caused while attempting to help an overdose victim. Good Samaritan laws are typically paired with initiatives to increase the availability of naloxone, an opioid overdose reversal agent that can be administered by bystanders at an overdose scene.<sup>1</sup>

## WHAT IMPACTS DO GOOD SAMARITAN LAWS HAVE?

Fear of arrest is a common barrier to seeking out or administering emergency medical services during an overdose.<sup>2</sup> By providing legal immunity to overdose witnesses and victims, Good Samaritan laws remove this barrier. **Good Samaritan laws have been shown to be effective at preventing overdose deaths, especially when paired with increased naloxone access.**<sup>3,4</sup>

## THE EVIDENCE

A national study on the impact of Good Samaritan laws on opioid overdose deaths found that:

- After states enacted a Good Samaritan law, they experienced a 15% lower incidence of opioid-overdose deaths, as compared to when states did not have a Good Samaritan law.
- The existence of a Good Samaritan law was associated with a 26% lower incidence of opioid overdose deaths among the Black non-Hispanic population.
- Good Samaritan laws did not result in increases of non-medical opioid use.<sup>3</sup>

## WHAT DOES TENNESSEE'S GOOD SAMARITAN LAW SAY?

Tennessee's Good Samaritan Law states that if an someone witnessing or experiencing an overdose seek emergency medical assistance, then both the overdose witness and victim are immune from:

1. Arrest, charge, and prosecution for possession and exchange of drug paraphernalia, if the evidence for such arrest, charge, or prosecution resulted from seeking medical assistance;
2. Penalties for a violation of a permanent or temporary protective order or restraining order; and
3. Penalties for a violation of a condition of pretrial release, condition of probation, or condition of parole for a drug violation.

However, **this immunity only applies to the person's first drug overdose.**<sup>4,5</sup> Thus, for individuals experiencing their second or higher overdose, calling for help will risk arrest and criminal prosecution. This raises practical concerns about the effectiveness of Tennessee's Good Samaritan Law, as the relapse rate for substance use disorders is estimated between 40 and 60 percent.<sup>6</sup>

## WHAT FACTORS INFLUENCE THE EFFECTIVENESS OF GOOD SAMARITAN LAWS AT REDUCING OVERDOSE DEATHS?

Good Samaritan laws recognize that fear of criminal prosecution discourages people from seeking help and administering naloxone during an overdose. The more that Good Samaritan laws remove this fear, the more effective they will be at encouraging medical assistance during overdoses and preventing overdose deaths.

Good Samaritan laws vary by state in terms of how much they protect good samaritans and overdose victims from arrest and prosecution. For example, Ohio requires that the helper in an overdose scenario stay on the scene and provide information such as their name and address to emergency responders.<sup>7</sup> Similar to Tennessee, Iowa only provides immunity for the overdose witness and victim once.<sup>8</sup>

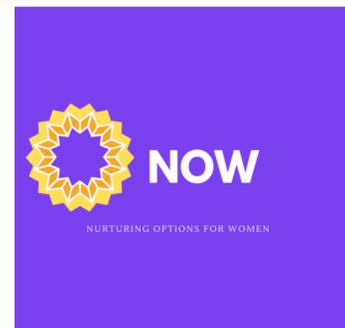
**Given that fear of interacting with law enforcement discourages bystanders from seeking emergency medical assistance, any limitations to the legal protections provided by Good Samaritan laws may discourage individuals from helping during an overdose, making the laws less effective at reducing overdose deaths.**

### FOR MORE INFORMATION

Website: <https://tnopioid.utk.edu>

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Social Media: @TNOpioid



4. TN Department of Health. (December 2019). *Naloxone Training Information*. <https://www.tn.gov/health/health-program-areas/health-professional-boards/csmd-board/csmd-board/naloxone-training-information.html>

5. Tennessee General Assembly. (June 2017). *House Bill 1209*. <http://wapp.capitol.tn.gov/apps/BillInfo/default.aspx?BillNumber=HB1209&ga=110>

6. Partnership To End Addiction. (n.d.) *Understanding Risks for Relapse, Overdose and What You Can Do*. Retrieved January 20, 2020 from <https://drugfree.org/article/relapse-overdose/>

7. Ohio State University. (n.d.). *Drug Overdose and Ohio's Good Samaritan Law*. Retrieved January 20, 2020 from <https://u.osu.edu/ohiostart/2019/10/04/drug-overdose-and-ohios-good-samaritan-law/>

8. Iowa Harm Reduction Coalition. (2020). *Good Samaritan Laws*. <https://www.iowaharmreductioncoalition.org/2020-legislative-priorities/good-samaritan-law/>