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Title: Good Samaritan Laws Expansion

Introduced by: Charles J. Barone II, MD, for the Wayne County Delegation

Original Author: Tabitha Moses

Referred to: Reference Committee B

House Action: **REFERRED**

Whereas, in 2016 drug overdoses killed 63,632 Americans and are the leading cause of preventable death in the United States^{1,2,3}, and

Whereas, opioid overdose can be effectively reversed using the opioid antagonist naloxone, but only if this antidote is provided before overdose symptoms lead to death^{4,5}, and

Whereas, between 21-68 percent of overdose bystanders call 911, but many delay or refrain from calling 911 altogether often due to fear of arrest^{6,7}, and

Whereas, 40 states have passed some form of a "Good Samaritan law" consistent with American Medical Association (AMA) policy D-95.977 to provide people who seek medical assistance in the event of an overdose with limited immunity from drug-related offenses⁸, and

Whereas, Good Samaritan laws provide variable legal protection by state, which may confer protection against prosecution for: the possession of illicit/controlled substances, paraphernalia, and parole/pretrial/probation violations; however they do not protect against prosecution for drug-induced homicide^{6,9,10}, and

Whereas, a drug-induced homicide is defined as a crime in which a person delivered or provided drugs to another person that resulted in their death¹¹, and

Whereas, only Vermont and Delaware provide immunity for drug-induced homicide if a person seeks medical assistance⁹, and

Whereas, some states have enacted "911 Medical Amnesty Laws" to protect individuals from arrest, prosecution or conviction of certain drug offenses if the evidence results from seeking medical assistance for someone thought to be suffering from a drug overdose¹², and

Whereas, the enactment of aforementioned Medical Amnesty policies in cases of underage drinking have been shown to not increase consumption¹³, and

Whereas, in 2012 the state of Michigan implemented a Medical Amnesty law that protected minors in alcohol related emergencies¹⁴, and

Whereas, in Michigan, Good Samaritan laws only explicitly protect against charges of possession for individuals seeking medical assistance and these laws do not protect against charges of parole violation or accidental death¹⁵, and

Whereas, Michigan has enacted drug-induced homicide laws stating that "a person who delivers a schedule 1 or 2 controlled substance, other than marihuana, to another...that is consumed by that person or any other person and that causes the death of that person or other person is guilty of a felony,"¹⁵ and

55 Whereas, the number of prosecutions of drug-induced homicide across the country has increased
56 over 300 percent since 2011, with the Midwest accounting for a large portion of this increase; family
57 members, friends, and partners are the frequent victims of these prosecutions^{9,16,17,18}, and
58

59 Whereas, increases in drug-induced homicide prosecutions are correlated with increases in fatal
60 overdose rates⁹, and
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62 Whereas, the implementation of Good Samaritan laws along with concurrent naloxone-access laws
63 led to a nearly 11percent decrease in opioid-related deaths^{19,20}; therefore be it
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65 RESOLVED: That MSMS advocate for the expansion of Good Samaritan laws and development of 911
66 Medical Amnesty legislation in Michigan to ensure: (1) That any person who in good faith seeks medical
67 assistance for a person experiencing or believed to be experiencing a drug overdose shall not be arrested,
68 charged, or prosecuted for a drug violation, including but not limited to, possession, parole violations, and
69 drug-induced homicide, if the evidence for the arrest, charge, or prosecution of such drug violation resulted
70 solely from seeking such medical assistance; and (2) That any person who is experiencing a drug overdose
71 and, in good faith, seeks medical assistance for himself or herself or is the subject of such a request shall not
72 be arrested, charged, or prosecuted for a drug violation, including but not limited to, possession, parole
73 violations, and drug-induced homicide, if the evidence for the arrest, charge, or prosecution of such drug
74 violation resulted solely from seeking such medical assistance; and be it further
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76 RESOLVED: That the Michigan Delegation to the American Medical Association (AMA) ask our AMA
77 to support the expansion of Good Samaritan laws and development of 911 Medical Amnesty laws nationally
78 to ensure: (1) That any person who in good faith seeks medical assistance for a person experiencing or
79 believed to be experiencing a drug overdose shall not be arrested, charged, or prosecuted for a drug
80 violation, including but not limited to, possession, parole violations, and drug-induced homicide, if the
81 evidence for the arrest, charge, or prosecution of such drug violation resulted solely from seeking such
82 medical assistance; and, (2) That any person who is experiencing a drug overdose and, in good faith, seeks
83 medical assistance for himself or herself or is the subject of such a request shall not be arrested, charged, or
84 prosecuted for a drug violation, including but not limited to, possession, parole violations, and drug-induced
85 homicide, if the evidence for the arrest, charge, or prosecution of such drug violation resulted solely from
86 seeking such medical assistance.
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89 WAYS AND MEANS COMMITTEE FISCAL NOTE: \$25,000 or more as this resolution directs MSMS to engage in
90 legislative advocacy.

Relevant MSMS Policy:

Naloxone Availability and Pricing

MSMS supports efforts to increase access to affordable naloxone including but not limited to collaborative practice agreements with pharmacists and standing orders for pharmacies. (Res51-17)

Good Samaritan Protection

MSMS supports legal protection for doctors, nurses, and paramedical personnel who assist travelers experiencing medical problems. (Prior to 1990)

Relevant AMA Policy:

911 Good Samaritan Laws D-95.977

Our AMA: (1) will support and endorse policies and legislation that provide protections for callers or witnesses seeking medical help for overdose victims; and (2) will promote 911 Good Samaritan policies through legislative or regulatory advocacy at the local, state, and national level.

Prevention of Opioid Overdose D-95.987

1. Our AMA: (A) recognizes the great burden that opioid addiction and prescription drug abuse places on patients and society alike and reaffirms its support for the compassionate treatment of such patients; (B) urges that community-based programs offering naloxone and other opioid overdose prevention services continue to be implemented in order to further develop best practices in this area; and (C) encourages the education of health care workers and opioid users about the use of naloxone in preventing opioid overdose fatalities; and (D) will continue to monitor the progress of such initiatives and respond as appropriate.
2. Our AMA will: (A) advocate for the appropriate education of at-risk patients and their caregivers in the signs and symptoms of opioid overdose; and (B) encourage the continued study and implementation of appropriate treatments and risk mitigation methods for patients at risk for opioid overdose.

Harm Reduction Through Addiction Treatment H-95.956

The AMA endorses the concept of prompt access to treatment for chemically dependent patients, regardless of the type of addiction, and the AMA will work toward the implementation of such an approach nationwide. The AMA affirms that addiction treatment is a demonstrably viable and efficient method of reducing the harmful personal and social consequences of the inappropriate use of alcohol and other psychoactive drugs and urges the Administration and Congress to provide significantly increased funding for treatment of alcoholism and other drug dependencies and support of basic and clinical research so that the causes, mechanisms of action and development of addiction can continue to be elucidated to enhance treatment efficacy.

Increasing Availability of Naloxone H-95.932

1. Our AMA supports legislative, regulatory, and national advocacy efforts to increase access to affordable naloxone, including but not limited to collaborative practice agreements with pharmacists and standing orders for pharmacies and, where permitted by law, community based organization, law enforcement agencies, correctional settings, schools, and other locations that do not restrict the route of administration for naloxone delivery.
2. Our AMA supports efforts that enable law enforcement agencies to carry and administer naloxone.
3. Our AMA encourages physicians to co-prescribe naloxone to patients at risk of overdose and, where permitted by law, to the friends and family members of such patients.
4. Our AMA encourages private and public payers to include all forms of naloxone on their preferred drug lists and formularies with minimal or no cost sharing.
5. Our AMA supports liability protections for physicians and other health care professionals and others who are authorized to prescribe, dispense and/or administer naloxone pursuant to state law.
6. Our AMA supports efforts to encourage individuals who are authorized to administer naloxone to receive appropriate education to enable them to do so effectively.
7. Our AMA encourages manufacturers or other qualified sponsors to pursue the application process for over the counter approval of naloxone with the Food and Drug Administration.
8. Our AMA urges the Food and Drug Administration to study the practicality and utility of Naloxone rescue stations (public availability of Naloxone through wall-mounted display/storage units that also include instructions).

¹ U.S. Department of Health and Human Services. U.S. Drug Overdose Deaths Continue to Rise; Increase Fueled by Synthetic Opioids.; 2018. <https://www.cdc.gov/media/releases/2018/p0329-drug-overdose-deaths.html>. Accessed January 6, 2019

² Ahmad FB, Rossen LM, Spencer MR, Warner M, Sutton P. Provisional Drug Overdose Death Counts.; 2018. <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm>. Accessed January 6, 2019.

³ Rudd RA, Seth P, David F, Scholl L. Increases in Drug and Opioid-Involved Overdose Deaths - United States, 2010-2015. *MMWR Morb Mortal Wkly Rep.* 2016;65(5051):1445-1452. doi:10.15585/mmwr.mm65051e1

⁴ Giglio RE, Li G, Dimaggio CJ. Effectiveness of bystander naloxone administration and overdose education programs: a meta-analysis. 2011. doi:10.1186/s40621-015-0041-8

⁵ Boyer EW. Management of Opioid Analgesic Overdose. *N Engl J Med.* 2012;367(2):146-155. doi:10.1056/NEJMr1202561

⁶ Latimore AD, Bergstein RS. "Caught with a body" yet protected by law? Calling 911 for opioid overdose in the context of the Good Samaritan Law. *Int J Drug Policy.* 2017;50:82-89. doi:10.1016/j.drugpo.2017.09.010

⁷ McLean K. Good Samaritans vs. predatory peddlers: problematizing the war on overdose in the United States. *J Crime Justice.* 2018;41(1):1-13. doi:10.1080/0735648X.2016.1215932

⁸ Corey D. Overview of Naloxone Access and Good Samaritan Laws.; 2017. https://www.networkforphl.org/_asset/qz5pvn/legal-interventions-to-reduce-overdose.pdf. Accessed January 6, 2019

⁹ Drug Policy Alliance. An Overdose Death Is Not Murder: Why Drug-Induced Homicide Laws Are Counterproductive and Inhumane Background: Overdose Crisis and Response Increasing Rates of Opioid Overdose Response to Opioid Overdose Crisis.; 2017. http://www.drugpolicy.org/sites/default/files/dpa_drug_induced_homicide_report_0.pdf. Accessed September 1, 2018.

¹⁰ Knopf A. Good Samaritan laws undercut by prosecutions. *Alcohol Drug Abuse Wkly.* 2016;28(3):3-5. doi:10.1002/adaw.30440

¹¹ US Food and Drug Administration. 21 U.S. Code Subchapter I - Control and Enforcement. <https://www.law.cornell.edu/uscode/text/21/chapter-13/subchapter-I>. Accessed January 6, 2019.

¹² Representatives Cooper of the 43rd, Oliver of the 82nd, Rutledge of the 109th W of, the 166th B of the 4th. Georgia's 911 Medical Amnesty Law - HB 965/AP. Georgia House Bill; 2014:1-10. <http://www.legis.ga.gov/Legislation/20132014/144369.pdf>. Accessed February 3, 2019.

¹³ Lewis DK, Marchell TC. Safety first: A medical amnesty approach to alcohol poisoning at a U.S. university. *Int J Drug Policy.* 2006. doi:10.1016/j.drugpo.2006.02.007

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- ¹⁹ Singer JA. A Good Samaritan Law Would Save Lives during Opioid Overdoses. *Arizona*; 2017. <https://www.cato.org/publications/commentary/my-turn-a-good-samaritan-law-would-save-lives>. Accessed January 6, 2019.
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