



To: Members of the Ohio Senate, Criminal Justice Committee

From: The Above Identified Medical Organizations

Date: April 21, 2016

Regarding: General Support for Substitute House Bill No. 110

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On behalf of the nearly 25,000 physicians who are members of the above identified medical associations, we are writing to express our general support for Substitute HB 110.

In February, there was a provision added to HB 110 that would permit, upon request of law enforcement, EMS personnel to disclose to law enforcement the name of an individual that was administered naloxone due to an actual or suspected drug overdose. As many of you know, our groups expressed concern with this provision. In addition, we expressed concern that the provision would also impact measures in House Bill 249, which provided qualified criminal liability immunity from arrest and prosecution for a minor drug possession offense to a person who seeks medical help for a medical emergency being experienced by that person or another as a result of ingesting drugs if evidence of the violation came from seeking medical help.

All of the above organizations fully supported the original version of HB 249 for the very basic reason that it will save lives. We understand now that there will be modifications proposed to the bill that would require a screening and referral to treatment for those that seek medical assistance and those that experienced the medical emergency, to require 9-1-1 operators to notify the caller about Ohio's Good Samaritan law and to limit the qualified immunity to only be granted twice. We also understand that HB 249, with these modifications, may be incorporated into HB 110 during deliberations by the Senate Criminal Justice Committee.

A 2013 Ohio Department of Health survey asking high-risk opioid users about their attitudes toward summoning emergency services in the event of an overdose. Survey results showed that while only 58% of individuals called 9-1-1 after the most recent overdose they witnessed, 94% reported that they would be willing to call 9-1-1 in the event of an overdose if Ohio had a Good Samaritan Law. Further, 49% of individuals surveyed cited that they were concerned that they would be arrested if they called 911 under current law.

Our coalition of medical professionals has expressed reservations about the proposal to limit the qualified immunity to only be granted twice. Our preference would be to pass a Good Samaritan law

without such a provision. However, we understand ~~as you have noted~~, there is likely no path for passing a Good Samaritan bill without the “two-strikes” provision. Understanding this, we have concluded that the bill as proposed to be modified is still a step in the right direction and it will result in saving some lives. As physicians and health care professionals, we believe that everything should be done to support saving a life from overdose, including removing the fear that someone may have in calling for help.

We believe we all have the same goal of saving lives for those confronted with addiction. Our organizations remain committed to encouraging treatment for all opioid misusers who interface with the criminal justice system. Doing so will benefit patients, their families, our communities and our state’s criminal justice budget.

With those comments, we will support what we anticipate will be Amended Substitute House Bill 110, which will incorporate HB 249. However, we would ask that if the law ultimately proves to not be as effective as we hope, that the legislature would come back and revisit the issue.

We appreciate the opportunity to be meaningful contributors to the legislative process and we thank you again for your concern over the health of Ohio’s citizens and your desire to prevent unnecessary and tragic deaths. We stand ready to work with all of you on this and other issues to enhance the overall health of our communities.