

Overdose Bystander Law Fact Sheet: Strong laws save lives

Purpose

- Bystanders may not call 911 to report overdose emergencies if they fear arrest for controlled substance use.
- Overdose Bystander laws (also called 911 Good Samaritan Laws) protect people from criminal consequences for controlled substances when they report overdoses, so they can call 911 without fear.
- Emergency medical services can respond quicker, saving people from overdoses.

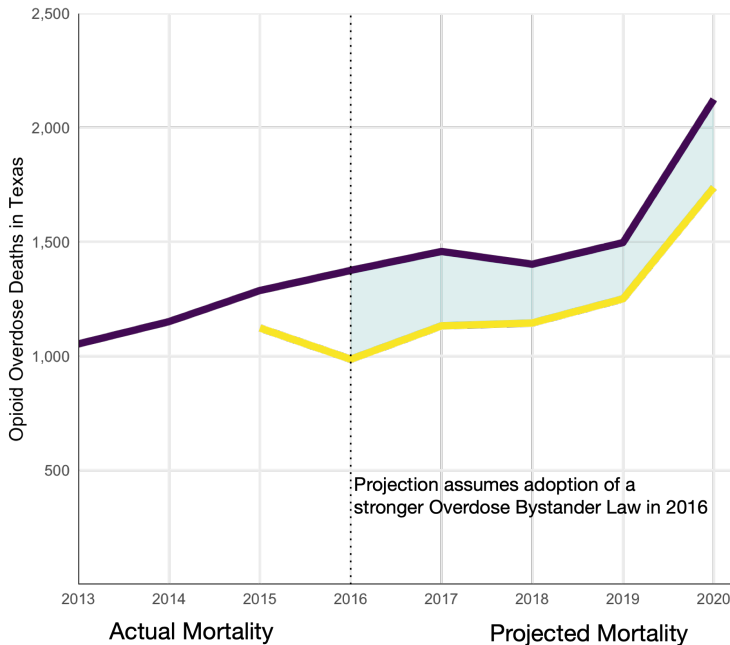
Evidence

- People who use drugs are three times more likely to call 911 if they know they're protected from arrest^{1,2}
- More overdose patients reach the hospital after laws with protection from arrest are enacted³
- States enacting overdose bystander laws with protection from arrest see a 10 to 15% reduction in opioid overdose mortality^{4,5}
- People fear other consequences besides jail, such as losing public assistance or custody of children⁶

Jessica Sosa Act in Texas⁷

- Provides defense to prosecution for:
 - Controlled substance possession (1g of opioids)
 - Paraphernalia possession
- Reporter must be first to call, remain at the scene, provide ID, and cooperate with first responders
- Excludes persons who:
 - Have drug-related criminal histories
 - Are committing other offenses concurrently
 - Previously used immunity
 - Reported another overdose in preceding 18 months

Adopting a strong Overdose Bystander Law in 2016 would have saved the lives of up to 1,600 Texans⁵



Saving Lives

Research suggests the most effective laws:

- provide immunity from arrest or charge
- extend immunity to violations of probation or parole
- do not exempt reporters based on history
- do not exempt reporters based on quantity of drugs in their possession

Analysts project that adopting an Overdose Bystander Law with these features in 2016 may have saved up to 1,600 Texans from opioid overdoses.⁵ These models suggest the *Jessica Sosa Act*, as currently written, will not notably reduce opioid overdose mortality. Opioid overdose mortality has only risen in recent years. To save the lives of vulnerable Texans, the *Jessica Sosa Act* should be strengthened.

Evidence-Based Policy Solutions



Remove exemptions in the *Jessica Sosa Act* based on the reporter's legal or personal history that target the most vulnerable Texans



Strengthen the Overdose Bystander Law with protections from arrest or charge so that reporters don't need to leave the scene of the emergency to receive immunity



Close loopholes in the *Jessica Sosa Act* by extending protection to include violations of parole and probation



Raise awareness of the *Jessica Sosa Act* by commissioning informational material for distribution at centers providing substance use services

1. Jakubowski et al. (2018). Knowledge of the 911 Good Samaritan Law and 911-calling behavior of overdose witnesses. *Substance Abuse*, 39
 2. Watson et al. (2018). Lay responder naloxone access and Good Samaritan law compliance: Postcard survey results from 20 Indiana counties. *Harm Reduction Journal*, 15
 3. Nguyen et al. (2021). Pathways between COVID-19 public health responses and increasing overdose risks: A rapid review and conceptual framework. *International Journal of Drug Policy*, 93
 4. Hamilton et al. (2021). Good Samaritan laws and overdose mortality in the United States in the fentanyl era. *International Journal of Drug Policy*, 97

5. Reader (2022). Good faith: Surveillance and evaluation of 911 Good Samaritan Laws in the United States. *University of Texas Health Science Center at Houston*.
 6. Latimore et al. (2017). "Caught with a body" yet protected by law? Calling 911 for opioid overdose in the context of the Good Samaritan Law. *International Journal of Drug Policy*, 50.
 7. *Jessica Sosa Act*. HB 1694, Texas 87th Legislative Session. (2021). *Tex. Health & Safety Code Ann.* §§ 481.115-119; 481.121; 481.125; 483.041; 483.031