



NEW YORK
CITY BAR

**REPORT ON LEGISLATION
BY THE DRUGS AND THE LAW COMMITTEE AND
THE EDUCATION AND THE LAW COMMITTEE**

**A.6179
S.7505**

**M. of A. L. Rosenthal
Sen. Kaplan**

AN ACT to amend the education law, in relation to requiring instruction in senior high schools regarding calling 911 when witnessing or experiencing a drug or alcohol overdose.

THIS BILL IS APPROVED

The Drugs and the Law Committee and the Education and the Law Committee of the New York City Bar Association support A.6179 / S.7505, which would require New York State high schools to include, as a part of the health education curriculum, instruction on Section 220.78 of the penal law, also known as the “New York State 911 Good Samaritan Law.”¹ Under this law, individuals who call 911 to report a drug or alcohol overdose are protected from prosecution. We believe that this important amendment to New York’s education law will encourage students who witness or experience an alcohol or drug overdose to call 911 for medical attention without fear of arrest.

The Drugs and the Law Committee includes individuals with expertise in substance use treatment, public health, and the laws and policies related to the use of substances and their impact on society. As such, we take a special interest in legislative and regulatory efforts that are designed to promote public health, as exemplified by this bill. The Education and the Law Committee addresses the full range of legal issues surrounding education from pre-K through higher education, including education finance, governance, legislative proposals, and special education.

¹ The City Bar supported the Good Samaritan Law. See Report on Legislation by the Committee on Drugs & the Law, New York City Bar Association, reissued June 2011, <https://www.nycbar.org/pdf/report/uploads/20071834-GoodSamaritanBillreoverdose.pdf>.

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has approximately 24,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.

I. JUSTIFICATION

Drug-related mortality has risen for ten consecutive years in the United States,² and the COVID-19 pandemic's exacerbation of the overdose crisis has led to record-high drug overdose death rates nationwide, including in New York State.³

Overdose deaths are preventable, and immediately calling 911 for medical help greatly reduces the chance of death. However, many people who experience or witness an overdose do not call 911 due to fear of potential legal consequences, including arrest and prosecution, forced family separation, deportation, and termination of benefits.⁴ Young people are especially unlikely to use overdose response strategies, including calling 911, due to both fear of legal consequences and lack of knowledge about how to effectively respond.⁵

New York State's 911 Good Samaritan law, passed in 2011, is part of a multipronged approach—which includes ensuring broad access to naloxone, the overdose reversal medication—to reducing overdose deaths in the state. The law aims to encourage people to call 911 when experiencing or witnessing an overdose by providing limited immunity from arrest and prosecution to people of any age who call 911 to report an overdose.⁶

Lack of awareness or understanding of the 911 Good Samaritan law, however, is a barrier to preventing overdose deaths.⁷ Educating the public, including high school students, about the protections the Good Samaritan law provides is likely to increase willingness to call for help during an overdose emergency.⁸

² 2021 Overdose Epidemic Report, “Physicians Actions to Help End the Nation’s Drug-Related Overdose and Death Epidemic—and What Still Needs to be Done,” American Medical Association, https://end-overdose-epidemic.org/wp-content/uploads/2021/09/AMA-2021-Overdose-Epidemic-Report_92021.pdf.

³ “Vital Statistics Rapid Release: Provisional Drug Overdose Death Counts,” Centers for Disease Control and Prevention, Jan. 2022, <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm>.

⁴ “911 Good Samaritan: Explaining New York’s Fatal Overdose Prevention Law,” Drug Policy Alliance, https://drugpolicy.org/sites/default/files/911_Good_Samaritan_Informational_Brief.pdf.

⁵ David Frank, Pedro Mateu-Gelabert, Honoria Guarino, Alex Bennett, Travis Wendel, Lauren Jessell, and Anastasia Teper, “High Risk and Little Knowledge: Overdose Experiences and Knowledge Among Young Adult Nonmedical Prescription Opioid Users,” *Int J Drug Policy*, Jan. 2015, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4277710/>; see also Peter J. Davidson, Kristen C. Ochoa, Judith A. Hahn, Jennifer L. Evans, Andrew R. Moss, “Witnessing Heroin-related Overdoses: the Experiences of Young Injectors in San Francisco,” *Addiction*, Dec. 2002, <https://pubmed.ncbi.nlm.nih.gov/12472634/>.

⁶ “New York State’s 911 Good Samaritan Law Protects You,” New York State Department of Health, AIDS Institute, Opioid Overdose Prevention, <https://health.ny.gov/publications/0139.pdf>.

⁷ Kristin E. Schneider, Ju Nyeong Park, Sean T. Allen, Brian W. Weir, and Susan G. Sherman, “Knowledge of Good Samaritan Laws and Beliefs About Arrests Among Persons Who Inject Drugs a Year After Policy Change in Baltimore, Maryland,” *Public Health Rep.*, May-Jun 2020, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7238711/>.

⁸ Dennis P. Watson, Bradley Ray, Lisa Robison, Philip Huynh, Emily Sightes, La Shea Walker, Krista Brucker, and Joan Duwve, “Lay Responder Naloxone Access and Good Samaritan Law Compliance: Postcard Survey Results from 20 Indiana Counties,” *Harm Reduct J.*, 2018; 15: 18, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5889562/#CR9>.

The proposed legislation promotes broad awareness and understanding of the 911 Good Samaritan Law by requiring instruction on this law in high schools, thereby encouraging and empowering high school-age New Yorkers to call 911 if they experience or witness an overdose.

II. CONCLUSION

For the reasons cited above, we encourage the Legislature to take action to reduce overdose deaths in New York State by supporting the proposed legislation.

Drugs & the Law Committee
Alana M. Hans-Cohen, Chair

Education & the Law Committee
Jarienn A. James, Chair

May 2022

Contact

Elizabeth Kocienda, Director of Advocacy | 212.382.4788 | ekocienda@nycbar.org

Mary Margulis-Ohnuma, Policy Counsel | 212.382.6767 | mmargulis-ohnuma@nycbar.org