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Proponent Testimony – HB2487

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House Committee on Corrections and Juvenile Justice

January 23rd, 2024

Chair Owens and Members of the Committee,

Thank you for the opportunity to offer testimony in support of HB2487, which would provide some level of immunity from prosecution when bystanders act in good faith and call 911 when they witness an overdose. We believe this bill will save lives.

At the Wyandotte County Health Department, we have a team dedicated to addressing the opioid crisis faced by our community. Our team is out in the community every day working with residents who are experiencing substance use disorder and helping them get the support they need. In addition to helping people find housing, employment, and treatment, harm reduction is a big part of our work; we make sure people who use drugs (PWUD) have supplies such as fentanyl testing strips and naloxone to keep them safe from overdose. Our number one goal is to make sure folks in our community stay alive.

A Good Samaritan Overdose Law (GSL) is another tool in our harm reduction toolbox. A GSL demonstrates an understanding of the fact that people are going to use drugs and seeks to treat them as valued members of the community rather than as criminals. Surveys among PWUD have shown a near-universal fear of arrest as a deterrent to calling 911 during an overdose event. However, 88% of PWUD have indicated they would be more likely to call 911 after the enactment of a GSL.

We are thrilled to see this bill introduced and we are grateful to the legislators who are championing this important legislation. We also believe additional provisions are needed to ensure the law is working as intended. A GSL will not work unless the people involved in these interactions can be absolutely certain there is zero risk of arrest for things like drug use, intoxication, and simple possession. If a single arrest is made that goes against the spirit of this bill, word will travel quickly and we will be back in the same position we are in today. As such, additional protections should be built into the language to make this law as impactful as possible. Some things we think are important to include are as follows:

- The bill should more explicitly state that persons protected by this law are immune from arrest, and not just prosecution. Current language does not make that abundantly clear.
- Immunity protections should be expanded to include all misdemeanors and non-violent crimes. People should not be under risk of arrest for things like vagrancy, trespassing, loitering, or public intoxication.
- More clarification should be provided on what is meant by cooperation with law enforcement. We agree it is helpful for bystanders to provide information around what substances were ingested, how long ago, and in what quantity. However, the bystander needs to be assured that they will not be arrested for failing to provide information to aid law enforcement in an

investigation. Not providing for this clarity would essentially nullify this law and keep people fearful of calling for help. Along these same lines, it should also not be required for the person to provide their name – this information is not relevant to ensuring the victim receives medical treatment.

Thanks again to this committee for taking up this bill, and to the legislators who have championed it. We hope you will consider the additional protections outlined above. We look forward to the passage of HB2487, making Kansas the 49th state with a Good Samaritan Law on the books.

Sincerely,

Dustin Hare

Public Policy Analyst, Unified Government of Wyandotte County Public Health Department