



NEW YORK STATE SENATOR

Dean G. Skelos

Senate Gives Final Legislative Approval to “Good Samaritan” Law

DEAN G. SKELOS June 20, 2011

Bill Would Help Reduce the Potential for Fatalities From Drug Overdoses

The New York State Senate today gave final legislative passage to a bill that would help reduce the potential for fatalities caused by drug overdoses. The bill (S.4454B), sponsored by Senator John DeFrancisco (R-C-I, Syracuse), is known as a “good Samaritan” measure because it limits the use of evidence of illicit activity when an individual seeks treatment for someone experiencing an accidental drug overdose.

“The primary reason people do not call 911 or go to the hospital for an overdose is fear of prosecution,” Senator DeFrancisco said. “This bill doesn’t condone drug use, but rather, acknowledges the importance of helping a victim and spurring a response from witnesses that may help protect the well-being of another person.”

“When it comes to getting help for someone suffering from a drug or alcohol overdose, we need fewer bystanders and more people willing to get help,” Senate Majority Leader Dean G. Skelos said. “This bill puts a necessary focus on helping an individual in need so that we can

save more lives and give people more chances to get on a road to recovery.”

“If someone is witnessing a drug or alcohol overdose, their first reaction should be to get help, not worrying about personal ramifications,” said Health Committee Chairman Senator Kemp Hannon (R-C-I, Garden City). “This bill would help alleviate some of the concern about charges an individual may face for illicit activity and provide quicker and more effective medical responses.”

In New York, overdose is the number one cause of accidental death and even exceeds traffic fatalities. In 2008, over 1,350 people died from accidental drug overdoses in New York State -- an increase of more than 60 percent from 1999. Fear of prosecution can be a real obstacle to seeking medical care for someone suffering from a drug or alcohol overdose.

This legislation, which was written in conjunction with the District Attorneys of the State of New York, will limit the use of evidence relating to possession of a controlled substance, marijuana, drug paraphernalia, or alcohol where the evidence results from seeking treatment for a drug overdose, including where someone seeks treatment for someone else.

The bill will be sent to the Governor.

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