Committee on Criminal Justice and Public Safety

Testimony in Opposition to:
L.D. 1024, *An Act to Expand the List of Crimes That Do Not Qualify for Immunity Under Maine's Good Samaritan Laws Concerning Drug-related Medical Assistance*

By Heide Lester on behalf of EqualityMaine

March 31, 2025

Dear Senator Beebe-Center, Representative Hasenfus, and distinguished members of the Committee on Criminal Justice and Public Safety,

My name is Heide Lester, and I am the Deputy Director of EqualityMaine, which has been advocating on behalf of Maine's LGBTQ+ community since 1984. We oppose L.D. 1024 and its attempt to roll back the protections of the Good Samaritan Law by adding new crimes to the list of crimes that can be charged at the scene of an overdose. This bill attempts to reverse important progress that has been made to save lives in Maine.

LGBTQ+ people have higher rates of substance use and substance use disorders compared to non-LGBTQ+ people: LGB adults are nearly twice as likely as heterosexual adults to experience a substance use disorder,[1] and transgender people are almost four times as likely as cisgender people to experience a substance use disorder.[2] LGBTQ+ people may also be at increased risk of opioid overdose given other substance use disparities (e.g., alcohol, methamphetamine) and the link between poly-substance use disorders and opioid overdose.[3] Higher rates of substance use disorder are often exacerbated by social stigma, discrimination, and the pressures of minority stress.

A substance use disorder is a treatable, chronic disease and as such warrants a public health approach. As with most public health issues, there is no one solution for preventing overdose deaths. However, opioid overdose is often reversible through the timely administration of naloxone and other emergency care as needed; and people experiencing overdose caused by non-opioid drugs also benefit from emergency medical care. Yet people often fear that alerting EMS to an overdose might result in themselves, the person overdosing, or both receiving criminal penalties. Said another way, the threat of charges may prevent individuals at the scene

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[1] Rosner, Bastian, et al. "Substance Use among Sexual Minorities in the US – Linked to Inequalities and Unmet Need for Mental Health Treatment? Results from the National Survey on Drug Use and Health (NSDUH)." *Journal of Psychiatric Research*, Pergamon, 17 Dec. 2020, sciencedirect.com/science/article/pii/S0022395620311316.
[2] Wanta, Jonathon W., et al. *Transgender Health*, Nov. 2019, liebertpub.com/doi/pdf/10.1089/trgh.2019.0029.
[3] Paschen-Wolff, Margaret M, et al. "The State of the Research on Opioid Outcomes Among Lesbian, Gay, Bisexual, Transgender, Queer, and Other Sexuality- and Gender-Diverse Populations: A Scoping Review." *LGBT Health*, U.S. National Library of Medicine, pmc.ncbi.nlm.nih.gov/articles/PMC10081720/#abstract1.

of an overdose from calling for help. But because they mitigate bystander fears, Good Samaritan laws with more expansive legal protections are associated with lower rates of overdose deaths.[4]

As the Network for Public Health Law said of Maine's current Good Samaritan law, "In our view, this approach is more compatible with the expressed aim of these laws: to save lives by ensuring that individuals know that the state views the provision of emergency care as more important than arresting and incarcerating the individual who overdosed and those who seek help for them. We encourage other states to follow Maine's lead." [5]

We urge you to vote "Ought Not To Pass" on L.D. 1024.

Thank you,

Heide Lester (they/them)

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[4] Hamilton, Leah, et al. "Good Samaritan Laws and Overdose Mortality in the United States in the Fentanyl Era." *The International Journal on Drug Policy*, U.S. National Library of Medicine, pmc.ncbi.nlm.nih.gov/articles/PMC9529169/.
[5] "Legal Interventions to Reduce Overdose Mortality: Overdose Good Samaritan Laws." *Network for Public Health Law*, 2024, networkforphl.org/resources/legal-interventions-to-reduce-overdose-mortality-overdose-good-samaritan-laws/.