

TESTIMONY OF DIRECTOR SCOTT J. PELLETIER
DEPARTMENT OF PUBLIC SAFETY
MAINE DRUG ENFORCEMENT AGENCY

SCOTT
PELLETIER

(OPPOSING) LD 1646

**“AN ACT TO AMEND MAINE’S GOOD SAMIRITAN LAWS REGARDING
SUSPECTED DRUG-RELATED OVERDOSES”**

Submitted by the Department of Public Safety pursuant to Joint Rule 204. Referenced to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Sponsored by: Senator Rachel Talbot Ross

Cosponsored by: Representative Tavis Hasenfus of Readfield and Senators: Pinny Beebe-Center of Knox, Richard Bennett of Oxford, Glen “Chip” Curry of Waldo, Marianne Moore of Washington, Representatives Mark Blier of Buxton, Nathan Carlow of Buxton, Lydia Crafts of Newcastle, Michael Lajoie of Lewiston

Before the Joint Standing Committee on Criminal Justice and Public Safety

Hearing Date: TBD

Sen. Beebe-Center, Rep. Hasenfus and members of the Joint Standing Committee on Criminal Justice and Public Safety. My name is Scott Pelletier, and I am the Director of the Maine Drug Enforcement Agency, representing the Maine Department of Public Safety.

I am here today to testify in Opposition of LD 1646, “An Act to Amend Maine’s Good Samaritan Laws Regarding Suspected Drug-related Overdoses. This bill updates the provisions regarding immunity from arrest, prosecution and revocation and termination proceedings when assistance has been requested for a suspected drug-related overdose to remove references to medical emergencies and expands the scope to include calls for assistance for a person exhibiting symptoms of a drug-related overdose.”

This bill as written, would remove “medical emergency” from the statute, a term that assists 911 operators in determining the seriousness of response when dispatching medical professionals and law enforcement officers to a suspected overdose scene. I think we can all agree that someone experiencing a suspected drug-related overdose should be considered a medical emergency and requires the most expedited response available to prevent the loss of life.

This bill would also remove “medical” from the term “medical assistance”, leaving only “assistance” as the definition describing the type of call first responders would be dispatched to. I would submit to you nearly all calls that result in a response from first responders are requests for “assistance”.

By removing the terms “medical emergency” and “medical” from the statute minimizes the serious nature of the request and response of first responders and implies suspected drug overdoses are no longer “medical emergencies”,

This bill would add, Sec. 2. 17-A MRSA §1111-B, sub-§1, D. *Symptom of a drug-related overdose" means any physical, cognitive or behavioral condition that may reasonably indicate that a person is experiencing a potentially life-threatening reaction to drug use. This includes, but is not limited to, altered mental status, such as confusion, disorientation, unresponsiveness, agitation or paranoia; impaired or irregular breathing, such as shallow, slow, erratic or absent respiration; abnormal skin appearance, such as discoloration in skin tone, excessive sweating or clamminess; changes in consciousness, such as unconsciousness, difficulty staying awake or sudden collapse; involuntary bodily functions, such as vomiting, seizures, incontinence or loss of motor control; abnormal vocalizations or respiratory sounds, such as choking, gurgling, gasping or loud snoring and any other symptom that could reasonably be associated with drug ingestion, use or exposure.*

This definition describes a number of possible symptoms, but not limited to these specific symptoms, a medical professional or law enforcement officer encounters. These symptoms are overly broad and are frequently seen in other types of calls, not just suspected drug related overdoses. The intent of Maine’s Good Samaritan Law was to save lives by limiting the enforcement of certain crimes related to those reporting and assisting someone suspected of experiencing a suspected drug overdose, not to completely eliminate the enforcement of state laws at all responses to calls for assistance.

It should be noted that under Maine’s current statute, if a person believes they have been charged in violation of the statute, there is a provision in the statute, 17-A 1112 sub 4 “Motion to determine immunity”. This allows a person charged to move that the court prior to trial determine whether the defendant is immune from prosecution. Once the defendant files the motion and presents evidence to establish immunity, the prosecution then has the burden of proving by clear and convincing evidence that the grounds for immunity do not apply to the defendant.

This subsection was intentionally included in the statute to address circumstances that may arise regarding a person’s immunity status.

It has been said many times before this committee that Maine’s Good Samaritan Law Regarding Suspected-drug Overdoses is one, if not the strongest Good Samaritan law in the country. The current statute is working.

On behalf of Maine Drug Enforcement and the Department of Public Safety, we appreciate your careful consideration of these issues, and we encourage you to vote in opposition of this bill. Thank you for your time and I would be happy to answer any questions you may have, either now or at any future work session.