



**Testimony of Maine Public Health Association In Support of:
LD 1862: An Act To Strengthen Maine’s Good Samaritan Laws Concerning Drug-related Medical Assistance**

Joint Standing Committee on Criminal Justice and Public Safety
State House, Room 436
Wednesday, February 9, 2022

Good morning, Senator Deschambault, Representative Warren, and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety. My name is Rebecca Boulos. I am a resident of South Portland and executive director of Maine Public Health Association. MPHA is in support of LD 1862: “An Act To Strengthen Maine’s Good Samaritan Laws Concerning Drug-related Medical Assistance.”

MPHA is the state’s oldest, largest, and most diverse association for public health professionals. We represent more than 600 individual members and 50 organizations across the state. The mission of MPHA is to improve and sustain the health and well-being of all people in Maine through health promotion, disease prevention, and the advancement of health equity. As a statewide nonprofit association, we advocate, act, and advise on critical public health challenges, aiming to improve the policies, systems, and environments that underlie health inequities – but which also have potential to improve health outcomes for all people in Maine. We are not tied to a national agenda, which means we are responsive to the needs of Maine’s communities, and we take that responsibility seriously.

This bill provides immunity from arrest and prosecution for any person who seeks medical assistance in the event of a drug overdose and provides a list of excluded crimes that are not subject to immunity.

Maine has been hit hard by the opioid epidemic. Between 2010 and 2019, nearly 2,700 individuals died from an opioid-related overdose. According to the [Maine Drug Data Hub](#), drug deaths in Maine were trending upward between 2014-2018 and started to fall in 2019. With the onset of the COVID-19 pandemic, Maine is once again seeing an increase in overdose death rates, with 636 fatal overdoses in 2021, a 23% increase over 2020.¹ Maine continues to be one of the top 10 states for the highest rates of opioid-related overdose deaths.² Maine’s most recent monthly overdose report ([November 2021](#)) shows the number of males who have fatally overdosed has remained consistent since 2019, with males accounting for 70% of fatal overdoses for January through November 2021 (71% in 2020; 68% in 2019). More decedents of overdose are increasing in older age categories – the percentage of those aged 40-59 years rose by 3%, while decedents age 18-39 years decreased by 5% from 2019 to 2021. The report shows that 95% of fatalities were accidental (January – November 2021).

There are existing socioeconomic disparities associated with opioid misuse and related harms. A systematic review identified socioeconomic factors related to opioid overdoses, including poverty, unemployment, low educational attainment, poor housing, and criminal justice system involvement.³ Indeed, in Maine, prior overdose history was reported for 33% of decedents and transient housing status was reported for 10% of decedents, as of the [November overdose report](#).

In 2019, the Maine Naloxone Distribution Initiative was launched to provide overdose education, prevention and naloxone distribution through community and public health partners. Since its inception, naloxone doses have been distributed monthly and the cumulative number of opioid overdose reversals have steadily increased.⁴

While drug overdose deaths are increasing, almost 100% (98.94%) of people transported and treated at a hospital survive (2020). In 2019, Governor Mills made it law to exempt people from arrest or prosecution for the possession of illicit drugs and drug paraphernalia, as well as violations of probation if they are in good faith calling 911 to seek medical assistance for another person experiencing a drug-related overdose. This bill expands on the latter provision by exempting from arrest and prosecution someone who calls emergency services for someone else experiencing an overdose, and who may have committed a crime. The bill identifies types of crimes that are exempt from that immunity provision, including human trafficking and sexual assault.

We are in support of this bill as drafted. We believe the breadth of the exemptions provides sufficient clarity and are protective of public health. We respectfully request you vote LD 1862 “Ought to Pass.” Thank you for your consideration.

¹ Billings R. (2021, January 19). [Maine shattered its annual record for overdose deaths in 2021](#). *Portland Press Herald*.

² National Institute on Drug Abuse. 2018. [Opioid summaries by state](#).

³ van Draanen J, Tsang C, Mitra S, Karamouzian M, Richardson L. Socioeconomic marginalization and opioid-related overdose: A systematic review. *Drug Alcohol Depend.* 2020;214:108127.

⁴ Maine Drug Data Hub. 2021. [Harm Reduction](#).