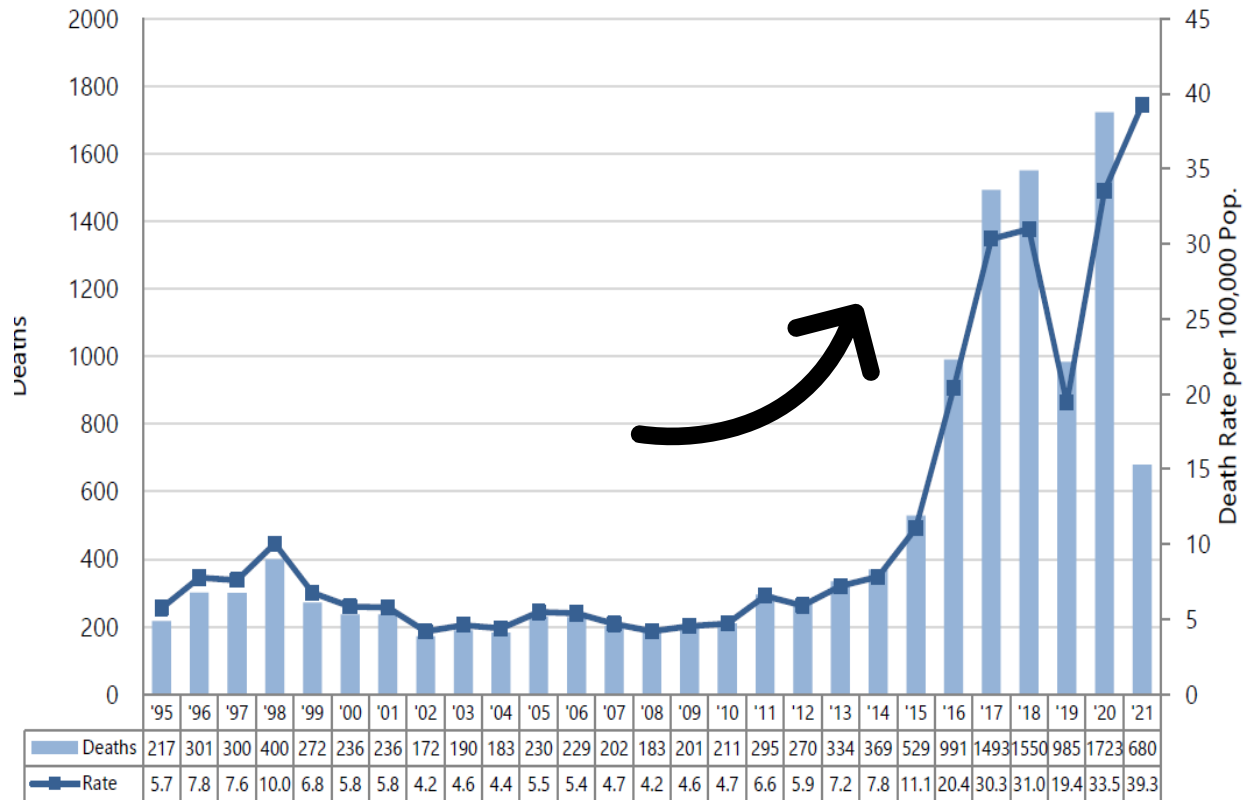




The Good Samaritan Drug Overdose Act

Bill C-224

Overdose deaths in BC



- **Drug overdose deaths in BC are increasing** due to toxicity of the drug supply especially fentanyl, a potent opioid.
- **A highly toxic drug supply and loss of opioid tolerance following reduced opioid use (e.g. due to detoxification or prison release) can put people at increased risk of overdosing** (Binswanger et al., 2012)

Source: BC Coroners Service, Jun 1, 2021. Data to April 30, 2021

Importance of calling 911

Source: Peer2Peer Project



Overdoses can be reversed with naloxone, but it is important to call emergency medical services (9-1-1)

- Naloxone wears off after 20-90 minutes so overdoses can recur.
- Naloxone is only effective against opioids; other substances may be involved
- A person may have other medical issues

(Nguyen et al., 2012; CCENDU, 2017; National Institute on Drug Abuse, 2019)

Concerns around calling 911

- Most overdoses happen in the presence of others (Martins et al 2015; Karamouzian et al., 2019)
- By-standers report delaying/not calling 911 at overdose events for fear of police involvement and arrest (Canadian Centre on Substance Abuse, 2017)



BC Emergency Health Services Policy

In 2016, the BC Emergency Health Services introduced a policy to not routinely inform police of all overdoses in order to decrease police attendance at overdose events.

In BC, reported police attendance at overdose events when 911 was called declined from 56% before the policy to 38% after the policy was introduced (Mehta et al., 2021).

Police are still informed in cases of:

- Death
- Attempted suicide
- Where there are safety concerns for the public or for first responders.

The GSDOA

The Federal Government enacted the Good Samaritan Drug Overdose Act (GSDOA) in 2017. The Act aims to encourage people witnessing an overdose to call 9-1-1 and stay with the person until help arrives, by offering some legal protection at the scene of an overdose.

THE GOOD SAMARITAN DRUG OVERDOSE ACT IS NOW LAW

THE LAW SAYS:

If you are at the scene of an overdose and you or someone else calls 911 to get medical assistance, **you are not to be charged with simple possession** (possession for your own personal use) of an illegal substance.

You are also **not to be charged for breach of probation or parole** relating to simple drug possession.



IF YOU SUSPECT AN OVERDOSE,

CALL 911

CALLING 911 SAVES LIVES

After calling 911, give **breaths** and **naloxone** if you have it.
Stay with the person until help arrives.



For more information, visit:

http://www.pivotlegal.org/good_samaritan_drug_overdose_act_rights_card

or:

<http://canada.ca/opioids>
September 14, 2017



The GSDOA offers legal protection for simple possession of a substance

- the person who calls 9-1-1
- the person having an overdose and
- others at the scene of an overdose (bystanders)

will not be charged with simple possession of a controlled substance, if the evidence was obtained as a result of that person having sought assistance or remaining at the scene.

Simple possession is defined as having drugs for your own personal use. However, the amount is not defined.

What about breaches of conditions related to simple possession?

The GSDOA protects against charges for a violation of:

- Pre-trial release
- Probation order
- Conditional sentence
- Parole

As long as the offence relates to simple possession of a controlled substance (but not other offences), and the evidence was obtained at the scene.

Who does the GSDOA apply to?

- Any person at the scene of the overdose, including:
 - the person who calls 911
 - the person overdosing
 - bystanders



What protections does the GSDOA provide and not provide?

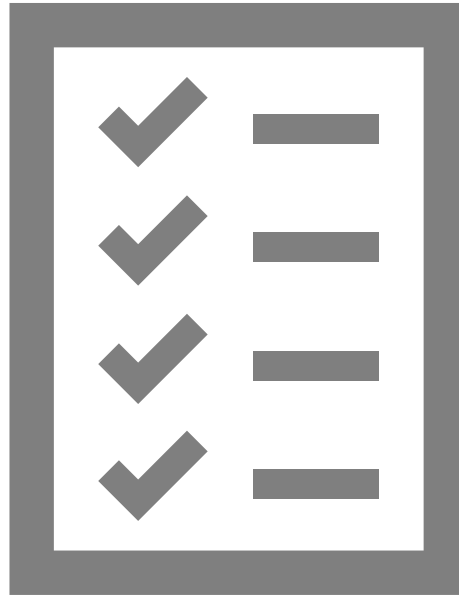
THE LAW DOES PROVIDE PROTECTION FROM CHARGES FOR:	THE LAW DOES NOT PROVIDE PROTECTION FROM CHARGES FOR:
Simple possession (personal use)	Selling illegal drugs (trafficking)
Violation of pre-trial release, probation order, conditional sentence, or parole related to simple possession	Offences other than drug possession
	Any outstanding arrest warrants
	Violation of pre-trial release, probation order, conditional sentence, or parole for an offence other than simple possession

What is the difference?

Good Samaritan Act	Good Samaritan Drug Overdose Act
Provincial Act (BC)	Federal Act* (Canada)
Enacted in 1996	Enacted in 2017
Overdose events and other medical emergencies	Overdose events
Protects person(s) who provide emergency medical assistance to an ill, injured or unconscious person from liability if unintentional harm is caused as a result of trying to help, unless the person is negligent	Offers legal protection for charges and conditions related to the simple possession of drugs at the scene of an overdose event for the person who overdosed, the person who contacts 9-1-1 and bystanders
To encourage bystanders, who are not necessarily trained in medical response, to help someone experiencing a medical emergency	To encourage people at an overdose event to seek emergency medical care by reducing concerns around police arrests

*The GSDOA amends the Federal 1996 Controlled Drugs and Substances Act

Test your knowledge!



Scenario 1

Frontline police officers are on patrol and are advised of an overdose. Upon their arrival to the scene, they notice a small baggie of heroin in the backpack of a person who is administering naloxone.

Can they charge the person with possession?

Scenario 1: Answer

Question: Frontline police officers are on patrol and are advised of an overdose. Upon their arrival to the scene, they notice a small baggie of heroin in the backpack of a person who is administering naloxone. Can they charge the person with possession?

Answer: No.

The GSDOA legally protects anyone at the scene of an overdose event, including bystanders who are responding from charges related to simple possession.

Scenario 2

Frontline officers are called to an overdose. They recognize a person on scene who is on parole (i.e. who was released early on condition that they do not get involved in illegal activities). The frontline officers search his pockets and find that the person has an illicit substance on them.

Can the officers charge the person for breaching their conditions?

Scenario 2: Answer

Question: Frontline officers are called to an overdose. They recognize a person on scene who is on parole (i.e. who was released early on condition that they do not get involved in illegal activities). The frontline officers search his pockets and find that the person has an illicit substance on them. Can the officers charge the person for breaching their conditions?

Answer: No.

The GSDOA legally protects anyone at the scene of an overdose event, including bystanders, from arrests for conditions related to simple possession.

Scenario 3

Frontline officers stumble across an overdose during the course of their shift. For record purposes, they collect names and identification. Through doing this, they find out that someone has a warrant for theft.

Can the officers arrest this person?

Scenario 3: Answer

Question: Frontline officers stumble across an overdose during the course of their shift. For record purposes, they collect names and identification. Through doing this, they find out that someone has a warrant for theft. Can the officers arrest this person?

Answer: Yes.

The GSDOA does not provide legal protection for warrants to anyone present at an overdose event.



Questions/Discussion?



Resources

Information about the Good Samaritan Act:

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96172_01

Information about the Good Samaritan Drug Overdose Act:

<https://www.canada.ca/en/health-canada/services/opioids/about-good-samaritan-drug-overdose-act.html>

GSOA printable poster:

<https://towardtheheart.com/resource/good-samaritan-act-poster/open>

GSDOA printable wallet cards:

<https://towardtheheart.com/resource/good-samaritan-cards/open>

GSDOA test your knowledge quiz:

<https://towardtheheart.com/resource/gsdoa-quiz-test-your-knowledge/open>

Report: Findings from a study conducted around police officers knowledge and attitudes around the GSDOA in BC:

<https://towardtheheart.com/resource/knowledge-of-the-good-samaritan-drug-overdose-act-among-police-officers-in-bc/open>

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7. National Institute on Drug Abuse (2019). Naloxone Drug Facts. <https://www.drugabuse.gov/publications/drugfacts/naloxone>
8. Nguyen T, Englin E, Palecek W, Wombwell E. (2012). Use of naloxone for the management of opioid overdose. *IOSR Journal of Pharmacy*, 2(5), 8–11.