



Assembly Bill 634 / Senate Bill 595

The Wisconsin Public Health Association (WPHA) and the Wisconsin Association of Local Health Departments and Boards (WALHDAB) supports Assembly Bill 634 / Senate Bill 595, as an important step in addressing the overdose crisis our state is facing. WPHA and WALHDAB would also support amendments to the proposed bill that would provide greater support to individuals seeking assistance from medical professionals under the protections of Good Samaritan legislation, should it become law.

1. Research shows that Good Samaritan laws are most effective at saving lives when the individual providing aid is provided protection from arrest.¹ Individuals responding to another's overdose (saving a life) could still be arrested under the proposed legislation, which has no immunity provisions for arrest. Arrests lead to disruptions in people's lives, including their ability to contribute to the economy through employment, maintain housing, care for children and other loved ones, and maintain access to basic needs.
2. For the aided individual, the currently proposed legislation imposes the requirement of completing a treatment program as a part of a deferred prosecution agreement. However, individuals who are unable to afford or access treatment programs can be prosecuted under this proposed bill, and incarcerated. Survivors of an overdose who have only interacted with law enforcement due to the overdose should not be subjected to the negative impact of incarceration if they do not have the resources to afford a treatment program, or if there is not an accessible treatment provider in their community.
3. Under the current proposed legislation, Good Samaritan protections are only provided to the aider individual calling 911. However, at some overdose events, there are additional individuals present who assist with providing aid to the person experiencing an overdose. These individuals should be afforded the same protections as the individual calling 911, as they are also providing lifesaving aid.

Strengthening protections for individuals responding to an overdose and for overdose survivors will prevent unnecessary incarceration, will save lives, and will allow individuals with a substance use disorder to access treatment when they are ready.

¹ Hamilton, L., Davis, C. S., Kravitz-Wirtz, N., Ponicki, W., & Cerdá, M. (2021). Good Samaritan laws and overdose mortality in the United States in the fentanyl era. *International Journal of Drug Policy*, 97, 103294. <https://doi.org/10.1016/j.drugpo.2021.103294>