



Maryland's "Good Samaritan" Law

Annotated Code of Maryland, Criminal Procedure §1-210
Effective October 1, 2015

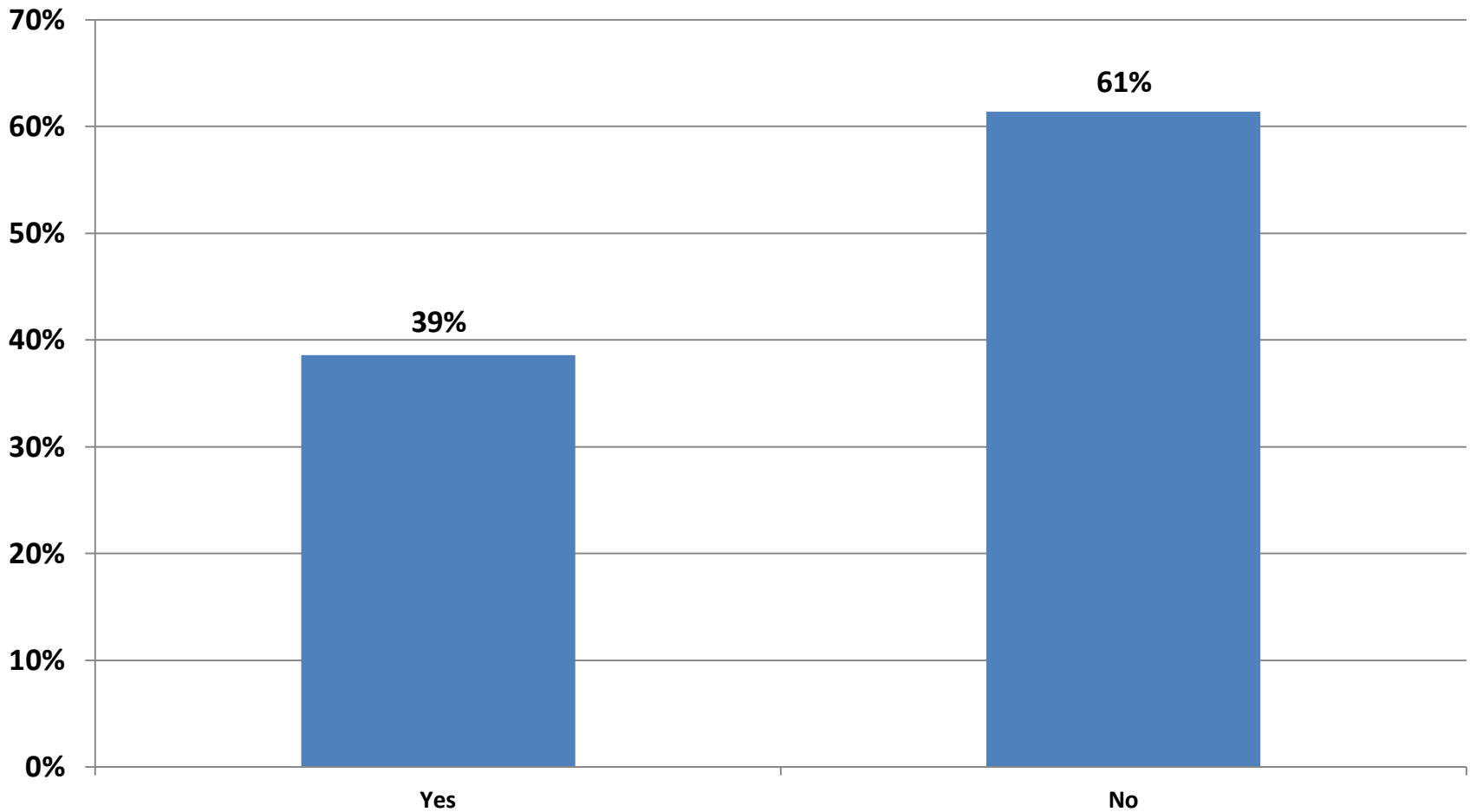
Maryland Public Opinion Survey (MPOS)

- ▶ Administered online February 20 - March 15, 2015 to Maryland residents for ages 18 and over.
- ▶ Designed by the University of Maryland School of Pharmacy and Behavioral Health Administration to explore perceptions, awareness, and use of prescription opioids and heroin in Maryland and its jurisdictions.
- ▶ 1,418 Anne Arundel County residents responded to the MPOS.

Maryland Public Opinion Survey (MPOS) 2015

Anne Arundel County N=1418

Within the Past 6 Months, Have You Heard of the Good Samaritan Law?



Consequences of the Lack of Knowledge of the Good Samaritan Law

If there is a lack of knowledge of the Good Samaritan Law...

then those who are on the scene are less likely to call for help when someone is overdosing, increasing the likelihood of death by overdose.

If there was a greater knowledge of the Good Samaritan Law...

then those who witness an overdose will be more likely to call for help, thus saving lives and preventing death by overdose.

Criminal Procedures – Immunity – Alcohol – or Drug-Related Medical Emergencies

▶ BACKGROUND

2009: Maryland Law established that the **act of seeking medical assistance for a person who is experiencing a medical emergency** after ingesting alcohol or drugs may be used as a **mitigating** factor in a **criminal prosecution**.

2014: Expanded to add the words “the act of seeking, **providing or assisting** with the provision of medical assistance for another person who is experiencing a medical emergency” also may be used as mitigation.

Source: Department of Legislative Services. Fiscal Note SB 654/HB 1009, March 27, 2015.

Criminal Procedures – Immunity – Alcohol – or Drug-Related Medical Emergencies

What is mitigation?



- ▶ The use of reasonable care and diligence in an effort to minimize or avoid injury
- ▶ To make less severe

Source: Black's Law Dictionary 1093 (9th ed. 2009).

Criminal Procedures – Immunity – Alcohol – or Drug-Related Medical Emergencies

- ▶ The 2015 Maryland General Assembly
 - ▶ Defined the act of seeking providing or assisting with the provision of medical assistance for another person who is experiencing a medical emergency after ingesting drugs or alcohol may be used as a mitigating factor in a criminal prosecution of
- 1) The person who experienced the medical emergency
 - 2) Any person who sought, provided or assisted in the provision of the medical assistance

Criminal Procedures – Immunity – Alcohol – or Drug-Related Medical Emergencies

- ▶ Immunity applies to situations involving a person, who in good faith provides medical assistance to another person believed to be experiencing a medical emergency; or to a person who believes he or she is experiencing a medical emergency. (clarifying the word “involving” in the previous law)

Criminal Procedures – Immunity – Alcohol – or Drug-Related Medical Emergencies

- ▶ Expand the application of immunity from criminal prosecution to include:
 - ▶ Immunity from criminal **arrest, charge** or prosecution from **specified offenses** if the evidence for the arrest charge or prosecution was obtained **solely as a result** of the person seeking **or receiving** medical assistance.

Criminal Procedures – Immunity—Alcohol— or Drug-Related Medical Emergencies

IF

- ▶ Evidence of the violation was obtained **solely** as a result of the person seeking, providing or assisting with the provision of medical assistance,

THEN IMMUNITY from criminal arrest, charge or prosecution

- ▶ § 5-601
- ▶ § 5-619
- ▶ § 5-620
- ▶ § 10-114
- ▶ § 10-116
- ▶ § 10-117

Immunity from the following crimes

- ▶ § 5-601 Administering Dangerous Substance
- ▶ § 5-619 Possession with Intent to Use Paraphernalia
- ▶ § 5-620 Possession of Controlled Paraphernalia
- ▶ §10-114 Minor Possession of Alcohol
- ▶ §10-116 Obtaining Alcohol for Underage Person
- ▶ §10-117 Furnishing Alcohol to an Underage Person

Criminal Procedures – Immunity – Alcohol – or Drug-Related Medical Emergencies

- ▶ According to the Network for Public Health Law, Good Samaritan Laws encourage individuals to summon aid in the event of an overdose.

Common Features of Good Samaritan Laws

- ▶ Samaritan **MUST** act in Good Faith
- ▶ No Charge – Possession of Controlled Substance
- ▶ No Prosecution – Possession of Controlled Substance

- ▶ No Charge – Controlled Substance Paraphernalia
- ▶ No Prosecution – Controlled Substance Paraphernalia

- ▶ Protection from Other Crimes
- ▶ Reporting Specified as a Mitigating Factor

Source: Department of Legislative Services. Fiscal Note SB 654/HB 1009, March 27, 2015.

Strategies to Raise Public Awareness of the Good Samaritan Law

- ▶ Spread the word to former users, users and friends or families of users
- ▶ Dispel myths about the law
- ▶ Include in naloxone training
- ▶ Utilize in re-entry programs, Parole and Probation, DJS, DSS services to educate former incarcerates during their re-entry to the community