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Wisconsin

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Chair Wanggaard, Vice-Chair Jacque, and Honorable Members of the Senate Committee on Judiciary and Public Safety:

The American Civil Liberties Union of Wisconsin appreciates the opportunity to provide written testimony in support of Senate Bill 595.

The devastating effects of the American addiction crisis needs no explanation, with countless Wisconsinites being directly impacted. By expanding the Good Samaritan law, 2017 Wisconsin Act 33 was a critical measure for encouraging individuals to call for immediate medical attention in the case of an overdose. In addition to providing aiders and aided persons with immunity or diversion opportunities for limited possession offenses, aiders and aided persons would not face revocation of probation, parole, or extended supervision so long as they completed a treatment program. These protections were sunset in 2020 but their reimplementation is essential for saving lives.

The number one reason people cite for not calling 911 in the event of an overdose is fear of arrest. And it is a strong reason: less than 50% of overdoses result in a call for help.¹ Overdose deaths are often preventable, but like a heart attack, the chance of survival greatly depends on how quickly one receives medical assistance.

According to a fifty-state survey compiled by the Network for Public Health Law, 48 states and the District of Columbia have enacted at least one overdose Good Samaritan law as of May 2023, including 27 states with laws providing protection from probation or parole violations.² A 2021 report from the Government Accountability Office that reviewed 17 studies on the effectiveness of Good Samaritan laws found “a pattern of lower rates of opioid-related overdose deaths among states that have enacted [these] laws, both compared to death rates prior to a law’s enactment and death rates in states without such laws.”³

¹ Koester, S., Mueller, S. R., Raville, L., Langedger, S., & Binswanger, I. A., "Why are some people who have received overdose education and naloxone reticent to call Emergency Medical Services in the event of overdose?" *International Journal of Drug Policy*, 48 (October 2017), available at <https://www.ncbi.nlm.nih.gov/pubmed/28734745c>.

² “Harm Reduction Legal Project: 50-State Survey,” The Network for Public Health Law (July 2023), <https://www.networkforphl.org/wp-content/uploads/2023/07/Legal-Interventions-to-Reduce-Overdose-Mortality-Overdose-Good-Samaritan-Laws-2.pdf>.

³ “Drug Misuse: Most States Have Good Samaritan Laws and Research Indicates They May Have Positive Effects,” U.S. Government Accountability Office (March 2021), <https://www.gao.gov/products/gao-21-248>.