

Welcome to the Good Samaritan OD Prevention Laws Page

Many overdoses can be reversed by life-saving emergency care. Unfortunately, criminal laws that pre-date the overdose epidemic can deter overdose bystanders from calling for emergency medical assistance out of fear of being arrested for drug crimes. In an attempt to reverse the increase in preventable overdose deaths, a number of states have recently passed immunity or sentence mitigation laws to encourage calls for help.

This interactive page presents information about laws that provide protections for a person who seeks medical assistance for an individual experiencing an overdose. It identifies states that offer protection from prosecution for possession of a controlled substance, possession of drug paraphernalia, or both. The site also provides information on states that provide an affirmative defense to a criminal controlled substance sale offense, and those that consider seeking medical assistance as a mitigating factor in a criminal prosecution.

In this document you can learn more about these laws, how to build queries, how we created this resource, and where you can find additional information.

What does this tell me about the law?

Each state makes its own laws regarding penalties for possession of controlled substances, possession of drug paraphernalia, and distribution of controlled substances. An unintended consequence of these laws is the possibility that a person will not call for emergency medical assistance. Relatively simple changes to the law encourage bystanders to become “Good Samaritans” by summoning medical assistance without negative legal outcomes.

It is important to note that the existence of an immunity law does not guarantee that a person will not be arrested — most statutes say that a person can neither be charged nor prosecuted. The queries you can perform on this page do not distinguish between statutes that explicitly mention charge immunity and those that do not; however this information is available by viewing the text of each state’s law.

Sentence mitigation laws are also included in the interactive map. These laws require or permit courts to take into account that an individual had summoned medical assistance at sentencing for a criminal offense.

For more information about these laws refer to [Scott Burris et. al., Stopping an Invisible Epidemic: Legal Issues in the Provision of Naloxone to Prevent Opioid Overdose, 1 Drexel L Rev., \(July 15, 2009\).](#)

What Queries are Available?

There are five primary queries on this page, with some secondary queries available for added detail.

The first query allows the user to restrict query results to specific year.

LawAtlas

The Policy Surveillance Portal

The second query identifies states that provide protection from prosecution for the possession of a controlled substance for a person who seeks medical assistance for an individual experiencing a drug-related overdose.

The third query identifies states that provide protection from prosecution for the possession of drug paraphernalia using evidence that was obtained as result a person seeking medical assistance for an individual experiencing a drug-related overdose.

The fourth query identifies states that provide an affirmative defense to a criminal controlled substance sale offense, if the defendant sought medical assistance for someone experiencing a drug-related overdose.

The fifth query identifies states that consider the act of seeking medical assistance for someone who is experiencing a drug-related overdose as a mitigating factor in a criminal prosecution.

The final page of this document includes a Query Map of all variables that can be queried.

How do I Build a Query?

To explore the dataset and illuminate the map, you need to build a query. To do this, make selections from the menu of options to the left of the map. As you select criteria, the map and table will display states whose laws have that feature. Hovering your mouse over a criterion will produce a pop-up that describes it in more detail.

You can select multiple features for your query.

For example, to identify the states in which there is a protection for controlled substance and drug paraphernalia possession, “Yes” for “Protection from a prosecution for controlled substances possession,” and “Yes” for “Protection from prosecution for the possession of drug paraphernalia.”

If you make multiple selections, be sure to decide whether you want to return states that have ALL of the features or ANY of the features that you have selected. To return results that have ALL of the features you selected, choose “ALL of these selections apply.” To return results that have any of the features you picked, choose “At least one of these selections apply.”

If you get confused or want to start over, just click the reset button.

If you are only interested in seeing the law for one state, just click that state on the map.

How was the data on this page created and where can I get it?

To learn about how this data was created, including more details about the exact methods used during the legal research, please refer to our protocol. The protocol, codebook and the data itself are available for download on the [Data page](#). More information about the creation of legal datasets can be found in this [manuscript](#) and this [web video](#).

Good Samaritan Overdose Policies Query Selections:

Protection from prosecution for controlled substance possession.

Good faith required.

Select: **Protection from a prosecution for controlled substance possession** to find out whether the state law provides protection from prosecution for the possession of a controlled substance for a person who seeks medical assistance for an individual experiencing a drug-related overdose.

Choose:

Good faith required to find out whether acting in good faith is an explicit condition of the protection.

Protection from prosecution for the possession of drug paraphernalia.

Good faith required.

Select: **Protection from prosecution for the possession of drug paraphernalia** to find out whether the state law provides protection from prosecution for the possession of drug paraphernalia using evidence that was obtained as a result of a person seeking medical assistance for an individual experiencing a drug-related overdose.

Choose:

Good faith required to find out whether acting in good faith is an explicit condition of the protection.

Affirmative defense for a criminal controlled substance sale offense.

Good faith required.

Select: **Affirmative defense for a criminal controlled substance sale offense** to find out whether the state law provides an affirmative defense to a criminal controlled substance sale offense, if the defendant sought medical assistance for someone experiencing a drug-related overdose.

Choose:

Good faith required to find out whether acting in good faith is an explicit condition of the protection.

Mitigation factor in a criminal prosecution.

Select: **Mitigation factor in a criminal prosecution** to find out whether the act of seeking medical assistance for someone who is experiencing a drug-related overdose can be used as a mitigating factor in a criminal prosecution.