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Dear Chairmen Lawlor, McDonald, and members of the Judiciary Committee,

I am here to testify to H.B. 5445, LCO No. 704, concerning An Act granting Immunity for Seeking or Obtaining Medical Assistance For An Alcohol or Drug Related Overdose. I am a licensed paramedic and work in the City of Waterbury and also volunteer in the Town of Wolcott. The views I am presenting on this bill today are mine alone and are not necessarily be those of any of my employers or supervisors.

The purpose of this bill clearly is a noble one in encouraging people to assist those in need as a paramount concern over facing any legal repercussions because the call for need arose out of illegal activity. As a medical provider, I support measures that encourage members of the public to assist others in need. However in doing so we must make sure that those encouragements do not promote or tacitly allow illegal activity. Doing so – through rumor or actual immunity may cause a perpetuation of such behavior which may allow more people to continue their behavior or to endanger others, or prevent those with addictions from seeking rehabilitation.

Let me begin by noting my observations of the handling of overdose calls today. In my experience, I have never observed any patient or accessory to a patient arrested for the use of illicit substances mainly because they were smart enough to call 911. Many police departments in Connecticut act as medical First Responders and will encounter drug overdoses on a regular basis. Their job in each circumstance is first, to control the safety of a scene, and second, the initiation of care for the patient. Upon the assumption of care by an EMS crew, the patient will be transported to the hospital. All involved in assisting the patient understand that if they survive, the near-death experience often is enough for them to learn from their behavior. In my experience, I have almost never witnessed any patient charged with a crime of possessing an illicit substance. The current discretion allowed by police officers and state prosecutors seems to be sufficient in my view of balancing the interests at stake here.

I am curious about one part of the bill which deals with the use of evidence found on the scene. As written, the bill forbids the use of evidence to charge a person with any of the crimes listed in section 420B. First, the intent of the bill is to also protect persons who are found to be victims of alcohol intoxication. From my cursory view of Section 420b, there does not appear to be anything dealing with alcoholism or alcohol possession in section 420B. This section only deals with prescription and narcotic drugs. The intent of this bill on possession or consumption of alcohol by minors would therefore be ineffective as written.

Secondly, I am concerned that if law enforcement could not use any illegal substances found on the scene to prosecute someone for laws dealing with possession, would the exclusion of this evidence in the successful prosecution of a possession crime negate the possibility to prosecute a person for another crime? For example, if a child were found at the scene, could law enforcement charge an unconscious person who is having an overdose condition with the Risk of Injury to a Minor because of the presence of drug evidence found on the scene? In another instance, if the 911 call allowed law enforcement to stumble upon evidence that led to larger trafficking or even production of drugs, would a methadone lab, would this evidence then be allowed in court for those instances?

If HB 5445 is passed, I fear that some people may claim to falsely be having a reaction – even a minor one – to drug use simply to avoid legal consequences. If they encounter law enforcement, they may immediately request an ambulance in order to qualify for this implied immunity. The result of this is essentially escape from an office by way of a trip to the hospital.

In conclusion, I believe that today's system – of allowing discretion by police officers and state prosecutors would be the wiser course to this problem. I understand the concern raised by the sponsor of the legislation and hope that stronger education towards our youth in high school and college can attempt to prevent occurrences of overdose by teaching the signs and symptoms of this condition as well as other similar mimicking conditions. In my job, I have encountered many patients and their friends or families who understand this conundrum and would prefer to be alive and potentially under arrest than the alternative. Punishing people who do not call 911 for someone in need should be a greater crime than granting a protection to those who do call.

Already we have statutes on the books requiring persons to call 911 to assist people in need on highways. It is underutilized particularly in other settings. Enhancing this law to give witnesses or those engaging in drug use should give users a choice: Risk being arrested for simple possession but save your friend's life. Or, risk your friend's life with your inaction. If you are caught not helping your friend in need, you can be prosecuted for contributing to their death.