

Public Safety and Security Committee

JOINT FAVORABLE REPORT

Bill No.: HB-5191

AN ACT CONCERNING EMERGENCY INTERVENTION BY A POLICE
Title: OFFICER WHEN A PERSON SUFFERS A NARCOTICS OVERDOSE.

Vote Date: 3/22/2022

Vote Action: Joint Favorable Substitute

PH Date: 3/3/2022

File No.:

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SPONSORS OF BILL:

Public Safety and Security

Co-sponsor(s):

Rep. Craig C. Fishbein, 90th Dist.
Rep. Mark W Anderson, 62nd Dist.
Rep. Bill Buckbee, 67th Dist.

REASONS FOR BILL:

The motive of this bill is to permit a police officer to require a individual into protective custody when the officer has reasonable cause to accept that such individual is encountering a opiates overdose. This bill has been a trending topic for quite some time. As many believe that Police Officers are not medical professionals in order conclude if someone is having an overdose. Some strongly disagree that a person of such should be taken in custody instead of immediately attended to a hospital making the situation extremely risky health wise. Many also believe that the terms "custody" or "protective custody" should be clearly defined.

Proposed Substitute Language

The changes in the proposed substitute language clarifies that if someone is suffering from an apparent narcotics overdose and is in need of immediate medical care and treatment, may take such person into protective custody and take or cause such person to be taken to a general hospital for emergency examination under this section

RESPONSE FROM ADMINISTRATION/AGENCY:

Colleen Harrington, Deputy Commissioner of the Department of Mental Health and Addiction Services (DMHAS) opposes this bill. DMHAS supports a plan that would ensure that individuals who have experienced an overdose can choose voluntary access to a behavioral health professional. One concern about this bill is that it would discourage individuals or bystanders from calling 911 if they believe the person experiencing an overdose might be taken into police custody and involuntarily transported to a hospital.

Commissioner Manisha Juthani, MD, Connecticut Department of Public Health opposes this bill. The Department does not support allowing a police officer to take a person into custody who is suffering from an opioid overdose and in need of immediate care and treatment. Their concern focuses on the immediate medical care needed to reverse the overdose and the potential consequence when transporting a patient who has suffered an opioid overdose, unattended, in the back of a police vehicle.

NATURE AND SOURCES OF SUPPORT:

Kathy Flaherty, Executive Director of Connecticut Legal Rights Project (CLRP) supports this bill. However, she believes this bill proposes to amend the wrong statute. She is in support of adding the word “protective” before “custody” in Section 17a503, as proposed in this bill.

Chief Alaric J. Fox, Enfield Police Department supports this bill. He states that this bill will simply “synch up” Connecticut’s current statutes with the opioid scourge of our modern times, in order to allow these victims an increased opportunity for medical care, guidance and intervention at a hospital.

NATURE AND SOURCES OF OPPOSITION:

Rebecca Allen MPH Director of Recovery Advocacy opposes this bill. She states that the proposed bill is problematic on many levels, she says it takes away an individual’s freedom. Taking someone into police custody for no other reason than they are suspected of having suffered an overdose and then transport them to the Emergency Department against their will is wrong, period. This bill calls for police officers to identify an “apparent opioid overdose”. Police officers are not medical professionals.

Robert C. Glaspy Jr., B.Sc.P., NRP Director of External Affairs CAPE opposes this bill as it is written. They do not feel this is an adequate or moral solution. First concern is that this bill could deter witnesses from activating the 911 system in fear of having their loved one taken into custody. They believe that the terms “custody” or “protective custody” should be clearly defined. Taking someone into “Protective custody” and forcing them to be transported to the hospital against their will is removing a patient’s right to patient autonomy

John Schwartz, East Haddam resident opposes this bill. He states that this bill puts an undue burden on Law enforcement by forcing them to act as clinicians and medical people while simultaneously asking them to secure the scene, gather information and perform all of the regular duties required of them. He applauds the efforts of the committee to support CT residents who struggle with an OUD, but it seems as if our resources would be better used by

getting more appropriate resources delivered by people with a deeper understanding of addiction and recovery to all who desire them.

Jess Zaccagnino Policy Counsel of the American Civil Liberties Union of Connecticut (ACLU-CT) opposes this bill. Police and other criminal legal system actors are simply not the appropriate people to handle the public health needs of substance use disorders; they are not public health actors whose sole job is to connect people with the health services they need. This problem is only exacerbated when we not only allow police to arrest or detain people who are actively overdosing. Instead of receiving treatment for the very serious health emergency of overdose, people will be going into police custody, where they are unlikely to receive treatment for their substance use or, really, any meaningful healthcare of any type.

David Godbout opposes this bill. He opposes all bills by the General Assembly as he feels his Fourth Amendment Rights are being violated.

Reported by: Fabializ N Najera

Date: 3/22/2022