



NEW YORK STATE SENATOR

Jack M. Martins

Good Samaritan Bill Signed Into Law

JACK M. MARTINS July 25, 2011

| ISSUE: **CONTROLLED SUBSTANCES**

New York State now has a “Good Samaritan” law that encourages a witness or victim of a drug or alcohol-related overdose to seek medical attention by removing the fear of prosecution. The bill was co-sponsored by Senator Jack M. Martins as a means to potential save a lives.

“When someone is suffering from a drug or alcohol overdose, it’s vital that the person get medical attention immediately. This measure eliminates the fear of being prosecuted for possession and will potentially save lives,” said Senator Martins.

“A person who, in good faith, seeks health care for someone who is experiencing a drug or alcohol overdose or other life-threatening medical emergency shall not be charged or prosecuted for a controlled substance offense,” the new law states.

The new law acknowledges that most people who are in need of treatment for an overdose are unable to seek it for themselves. The law encourages those who may be with a person who has overdosed to obtain immediate medical attention for that individual.

Those individuals who are with someone who has overdosed may be reluctant to call 911 and get that person help for fear of being prosecuted or charged for a crime such as possession of

a controlled substance.

In New York, overdose is the number one cause of accidental death and even exceeds traffic fatalities. In 2008, over 1,350 people died from accidental drug overdoses in New York State -- an increase of more than 60 percent from 1999. Fear of prosecution can be a real obstacle to seeking medical care for someone suffering from a drug or alcohol overdose.

The legislation was recently signed into law by the Governor.