



Department Source: Police

To: City Council

From: City Manager & Staff

Council Meeting Date: October 3, 2016

Re: Report - Drug Overdose Good Samaritan Ordinance (Tracker 4127)

Executive Summary

At the July 18, 2016 Council meeting, Council Member Trapp requested a report on the Good Samaritan ordinance in St. Louis, Missouri and a recommendation from staff on whether or not the City should adopt a similar ordinance.

Discussion

In June 2016, the City of St. Louis, Missouri passed an ordinance (Board Bill 40), referred to as the "Good Samaritan" law. The ordinance, as written, states it "provides immunity from prosecution for possession or control" of controlled substances when someone calls for medical attention for someone experiencing a drug overdose. It provides such protection to both the person reporting the overdose and the person experiencing the overdose.

The ordinance notes drug overdose deaths are a leading cause of accidental deaths in the U.S. It mentions these types of deaths have increased significantly in recent years in St. Louis. The ordinance states, "drug-overdose deaths could be substantially decreased if immunity from penalty for any [drug related] violation of the St. Louis Code of Ordinances were granted to a person possessing the drug and drug paraphernalia who, in good faith, seeks emergency medical assistance for someone experiencing a drug-related overdose..."

Proponents of the bill have stated publicly that the law is still "tough on drug dealers, offering no protection for those with weapons or large quantities of drugs, as well as those operating known drug houses." The ordinance does offer immunity for possession of drugs and paraphernalia, but also appears to include other, higher-level offenses such as distribution and attempted distribution of controlled substances.

The language of Section 2 of the ordinance indicates, "A person who, in good faith, seeks or obtains emergency medical assistance for a person experiencing an overdose or other medical emergency for himself or herself shall not be arrested, charged, prosecuted, convicted or have his or her property subject to civil forfeiture or otherwise be penalized for..."

- (1) Possession, control, *distribution or attempted distribution* of any of the enumerated drugs and drug paraphernalia under Section 11.60.010 (inhalants), Section 11.60.070, Section 11.60.080 (Cocaine, Methamphetamine, Diazepam, Opium alkaloids, etc.), and Section 11.60.100 (any other narcotics as defined by state law)



City of Columbia

701 East Broadway, Columbia, Missouri 65201

- (2) Possession, control, *distribution*, or *attempted distribution* of any controlled substances under Section 11.60.200 (possession of controlled substances under circumstances which are unlawful under federal or state of MO laws prohibited)
- (3) Possession, *distribution*, control, or *attempted distribution* of marijuana (Section 11.60.310), and
- (4) *Maintaining, managing or controlling premises under Section 11.60.140 (opium dens), Section 11.60.230 (Prohibited premises for manufacturing, storing or distributing controlled substances)*

The ordinance does not prohibit a police officer from arresting an individual for an outstanding warrant or for charges other than that which are listed (included). Officers are required to arrest based on a warrant per Missouri state statute 575.180.

Section four (4) of the ordinance states, "A person who, in good faith, seeks or obtains emergency medical assistance for a person experiencing an overdose or other medical emergency for himself or herself shall not be arrested at the discretion of the officer. Any police officer who is in contact with such person or persons should provide appropriate information and resources for substance-related assistance."

As part of this review, an inquiry was sent to the Benchmark Cities group in an attempt to determine if any of them had similar or comparable Good Samaritan law(s).

As a result of the responses, we learned the following:

- There is a Good Samaritan drug overdose reporting law in the state of California. In reviewing the statute, it appears to offer immunity to those reporting (or experiencing) an overdose on the charges of possession of *personal use amounts* of controlled substances, not for the charges of distribution and/or attempted distribution.
- The state of Colorado also has a Good Samaritan drug overdose reporting law. It, like California's law, offers immunity to those reporting or experiencing the overdose for the charges of possession or use of a controlled substance, paraphernalia, but also for transferring or dispensing 2 oz or less of marijuana (only). The Colorado Good Samaritan law also includes immunity for alcohol consumption by minors and minors in possession of alcohol (actual or by consumption) if an overdose is being reported.

Fiscal Impact

Short-Term Impact: N/A

Long-Term Impact: N/A



Vision & Strategic Plan Impact

Vision Impacts:

Primary Impact: Health, Social Services & Affordable Housing, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Strategic Plan Impacts:

Primary Impact: Public Safety, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

Date	Action
N/A	N/A

Suggested Council Action

It's the recommendation of the Police Department that if council chooses to enact a similar ordinance that it include immunity on the charges of possession of a controlled substance, possession of drug paraphernalia, as well as minor in possession (alcohol) charges, and **not** attempt to include immunity for the crimes of distribution or attempted distribution of controlled substances. It's also the recommendation of the Police Department that the ordinance not limit the ability of the police department to enforce nuisance property violations.