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SENATOR, 34TH SENATE DISTRICT

SB 250: Fentanyl Self-Reporting Immunity

SUMMARY

Senate Bill 250 expands California's 911 Good Samaritan law to include self-reporting of fentanyl poisonings and opioid overdoses to law enforcement and medical assistance through fentanyl testing strips and other medical devices such as smart watches.

BACKGROUND/EXISTING LAW

On January 1, 2013, California became the tenth state to implement a "911 Good Samaritan" overdose fatality prevention law (AB 472, Ammiano, 2012).

California's 911 Good Samaritan Law, states: "It shall not be a crime for any person who experiences a drug-related overdose, as defined, who, in good faith, seeks medical assistance, or any other person who, in good faith, seeks medical assistance for the person experiencing a drug related overdose, to be under the influence of, or to possess for personal use, a controlled substance, controlled substance analog, or drug paraphernalia, under certain circumstances related to a drug-related overdose that prompted seeking medical assistance if that person does not obstruct medical or law enforcement personnel."

NEED FOR THE BILL

Approximately 107,477 people died from drug overdoses overall in the U.S. in the 12-month period ending in August 2022, making it the leading cause of injury-related deaths. California accounts for approximately 20% of that statistic.

Most of these deaths (~66%) are caused by illicit synthetic drugs like clandestinely manufactured fentanyl and methamphetamine, often in combination with other drugs, including cocaine and heroin.

Fentanyl test strips (FTS) are a low-cost method of helping prevent drug overdoses and reducing harm. FTS are small strips of paper that can detect the presence of fentanyl in all different kinds of drugs (cocaine, methamphetamine, heroin, etc.) and drug forms (pills, powder, and injectables). While relatively new, FTS are being used with higher frequency as they become available throughout California.

While California's Good Samaritan Law does protect those who call 9-1-1 during an overdose from prosecution, it does not include similar provisions for people who use medical devices like FTS to test their drugs, find them to be contaminated, and choose to report their product to law enforcement.

SOLUTION

SB 250 expands California's 911 Good Samaritan Law to include the medical devices like fentanyl testing strips and allow for self-reporting of overdoses from a health-monitoring device such as a smart watch.

SB 250 would extend immunity not only for individuals reporting opioid-related overdoses in cases of medical assistance, but also for individuals reporting substances that test positive for fentanyl to law enforcement.

SUPPORT

California Youth Empowerment Network (CAYEN)

FOR MORE INFORMATION

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