

April 27, 2023

The Honorable Suzanne Salisbury  
Chair  
Committee on Criminal Justice and Public Safety  
Maine House  
2 State House Station  
Augusta, ME 04333

The Honorable Pinny Beebe-Center  
Chair  
Committee on Criminal Justice and Public Safety  
Maine Senate  
3 State House Station  
Augusta, ME 04333

Re: American Medical Association **Opposition** to LD 714, “An Act to Expand the List of Crimes That Do Not Qualify for Immunity Under Maine’s Good Samaritan Laws Concerning Drug-related Medical Assistance”

Dear Chair Salisbury and Chair Beebe-Center:

On behalf of the American Medical Association (AMA) and our physician and medical student members, I write in opposition to Legislative Document (LD) 714, “An Act to Expand the List of Crimes That Do Not Qualify for Immunity Under Maine’s Good Samaritan Laws Concerning Drug-related Medical Assistance.” The AMA opposes LD 714 because it will have the unintended effect of causing fear among bystanders when there is a drug-related overdose. This will inevitably cause fewer people to call for help, thereby increasing the likelihood of harm, including death.

Maine’s drug-related overdose and death epidemic continues to claim far too many lives—mainly due to illicit fentanyl and other fentanyl-containing illicit substances. Maine’s overdose data demonstrate the importance of bystander administration of naloxone as well as encouraging bystanders to call law enforcement and emergency medical services as soon as possible, in an effort to seek medical help for anyone experiencing a drug-related overdose.<sup>1</sup> Increasing penalties for people who call for help is counterproductive at a time when drug-related mortality in Maine remains at epidemic levels. By reducing and effectively eliminating protections for certain bystanders, LD 714 will result in fewer calls for help to first responders, and likely increase overdose fatalities.

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<sup>1</sup> “February 2023 Monthly Overdose Report.” Maine Drug Data Hub. State of Maine. During 2023, 24% of fatal overdose cases had naloxone administered at the scene by EMS, bystanders, or law enforcement. This rate is higher than the 22% of fatal overdose cases in which naloxone was reportedly administered at the scene in 2020, but lower than the 30% recorded in 2021 and slightly lower than the 25% recorded in 2022. Although most cases had bystanders present at the scene when first responders arrived, the details about who may have been present at the time of the overdose were usually unclear. However, bystanders, including family and friends, administered naloxone during 10% (10) of the fatal overdoses, often in addition to EMS and/or law enforcement. This is slightly less than 2022 (11%) but greater than 2021 (9%) and 2020 (4%). Available at <https://mainedrugdata.org/february-2023-monthly-overdose-report/>

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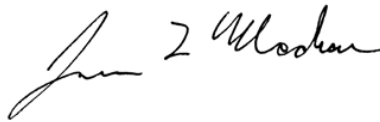
It is a long-standing AMA policy to support and endorse policies and legislation that provide protections for callers or witnesses seeking medical help for anyone who experiences a drug-related overdose. The AMA has strongly promoted Good Samaritan laws and other policies through legislative and regulatory advocacy at the local, state, and national levels. This includes supporting Maine's previous efforts to expand its Good Samaritan laws. The AMA has frequently held up the work of Maine's legislature, executive branch, and harm reduction community, as exemplars to other states. Simply put, LD 714 represents a significant step in the wrong direction.

Nationally, the AMA has been proud to help many states expand their Good Samaritan laws. These laws' positive effects were reported by the U.S. Government Accountability Office, which found that Good Samaritan laws help reduce opioid-related mortality, in part, because of "an increased likelihood of individuals calling 911 if [individuals] are aware of the laws."<sup>2</sup> Rather than move forward with the punitive focus of LD 714, the AMA urges defeat of LD 714 and a renewed focus on promoting the state's Good Samaritan protections and other evidence-based harm reduction efforts.

For these reasons, the AMA strongly urges a "No" vote on LD 714.

If you have any questions, please contact Daniel Blaney-Koen, JD, Senior Attorney, American Medical Association, at [daniel.blaney-koen@ama-assn.org](mailto:daniel.blaney-koen@ama-assn.org) or (312) 464-4954. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim L. Madara".

James L. Madara, MD

cc: Maine Medical Association

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<sup>2</sup> "DRUG MISUSE Most States Have Good Samaritan Laws and Research Indicates They May Have Positive Effects." United States Government Accountability Office. March 2021. Available at <https://www.gao.gov/assets/gao-21-248.pdf>