

Brief Regarding Bill C-224

Good Samaritan Drug Overdose Act

Submitted by:

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We support Bill C-224, The Good Samaritan Drug Overdose Act and are grateful that it has been tabled and that it has received such overwhelming support. We are also grateful for this opportunity to provide our input as to how the Bill could be improved to maximize the number of lives saved.

Our organization, Families for Addiction Recovery, can provide the perspective of families affected by addiction, and in particular, parents whose children struggle with addiction. We respectfully request that the Bill be amended to:

1. Provide immunity to the person overdosing in addition to the person making the 911 call; and
2. Provide immunity from prosecution for all drug offences.

The Bill as drafted provides immunity only to the person placing the 911 call. Some US States, for example, New Jersey, also provide immunity for the person who is overdosing. We think this is important because callers may hesitate to call if concerned that their friend who is overdosing may be charged.

The Bill as drafted provides the caller with immunity from prosecution only for possession for personal use. We are concerned because the definition of “traffic” in the Controlled Drugs and Substances Act is very broad. You don’t have to be a big time dealer to be a trafficker. It includes anyone who even gives or transfers an illicit drug without being paid for the drug. In many cases this will be the drug user’s friends, the very people we want to encourage to call 911. At this level, all users are typically traffickers as well. If someone’s child is overdosing, we just want that call made; we don’t care who makes it. We would much prefer to increase the child’s chances of survival by encouraging a trafficker to make the 911 call, than to have the cold comfort of knowing that if the child dies the trafficker can be prosecuted. Good Samaritan legislation should keep its focus on the purpose of the new law: saving drug users, not preserving the right to prosecute a trafficker. An arrested trafficker will be immediately replaced on the streets. The deceased drug user? Ask the family.

Our concerns are playing out right now in the US:

<http://www.vice.com/read/calling-the-cops-after-your-friend-overdoses-can-still-get-you-arrested>

To summarize that article, a parent whose child died of an overdose and who supported the Good Samaritan Laws in her State, had her organization post a billboard telling people to call 911 in the event of an overdose because the law protects you. She is now

outraged and raising funds for the defense of a 911 caller who has been charged with three serious crimes.

The immunity provided by Bill C-224 as presently worded would not protect a 911 caller from prosecution for trafficking or possession for the purpose of trafficking.

While providing immunity from all drug offences may sound drastic, it is consistent with the prevailing practice of the Vancouver Police Department, which is not to attend an overdose unless requested by emergency services or there is an issue of safety at the scene. In other words, the focus and priority is given to saving the person suffering the overdose. To our knowledge, no other police force has this policy. If this is not addressed in the Bill we are concerned that the Bill will not save anywhere near the number of lives that could otherwise be saved. These are the lives of our children.

As drafted, the Bill has the perverse effect of having the likelihood of a 911 call being made being dependent on the status of the caller. If the caller is just a user, then we have encouraged the call and the likelihood of the survival of the person overdosing. However, if the caller provided the drug and is therefore a trafficker, we do not encourage the call thereby increasing the likelihood of death of the same person who is overdosing. This makes no sense, unless it is of importance to appear to be tough on crime.

To summarize, the two amendments we have suggested should have the effect of encouraging more 911 calls to be made and more lives to be saved. We also want to avoid the situation where parents who have lost a child to overdose support this Bill, promote the notion that it is safe to call 911 in the event of an overdose, only to find out that people are being prosecuted for crimes as a result of calling 911. Given the use of social media by youth, if arrests are made following a 911 call, it won't take long for this to become widely known which will make it far less likely that 911 calls will be made in the future.

In the words of one person in recovery, "It is important that people who call 911 are not charged. Why would you punish someone for doing the right thing?"

Families for Addiction Recovery is a new (May, 2016) grassroots federal non-profit corporation dedicated to supporting families affected by addiction. Currently most of our members are in Ontario and most are parents whose children struggle with addiction.