

CAPITOL FACTS & FIGURES

HEALTH

States Adopting Harm Reduction Laws to Prevent Overdose Deaths

Drug overdose deaths in the U.S. have increased steadily in the past 20 years.

- Drug overdose death rates have been rising steadily since 1992, with a 102 percent increase from 1999 to 2010.¹
- In 2010, drug overdoses led to 38,329 deaths in the United States. By comparison, traffic accidents were responsible for 33,687 deaths, firearms killed 31,672 people, and falling was cited for the cause of death of 26,852 people.²
- Nearly 60 percent of the drug overdose deaths — 22,134 — involve prescription opiates, such as oxycodone, hydrocodone and methadone.³
- Three out of four drug overdose deaths, 78 percent, in 2010 were unintentional. Another 14 percent involved suicidal intent and the remaining 8 percent were of undetermined intent.⁴

In 2011, drug misuse and abuse caused about 2.5 million emergency department visits. Of those, more than 1.4 million visits were related to prescription drugs.⁵ Heroin use is increasing and has gained more public attention with the deaths from heroin use of two well-known actors in the past year. Vermont Gov. Peter Shumlin devoted his entire 2014 State of the State address to heroin and opiate drug addiction.

- The number of people who reported using heroin in the past year almost doubled between 2007 and 2012, from 373,000 to 669,000, according to a federal survey on drug use.⁶
- In the same survey, 156,000 people ages 12 or older reported they used heroin for the first time.
- The number of people with heroin dependence or abuse also doubled from 2002 to 2012, from 214,000 to 467,000.
- In Vermont, according to Gov. Shumlin, treatment for opiate abuse and addiction has increased 770 percent since 2000. Heroin treatment has increased 250 percent since 2000 and was up 40 percent in just the past year. Deaths from heroin overdoses doubled in 2013 from the year before.



- Shumlin advocated that Vermont address drug abuse, addiction and overdose as a health crisis, building appropriate and coordinated treatment, criminal justice and prevention strategies.

A number of states are adopting harm-reduction strategies as one way to fight the scourge of drug overdoses. Naloxone, often known by the brand name Narcan, is a prescription drug that can be administered by injections or nasal spray to overdose victims to counteract the effects of heroin or opiates and save their lives. Laws in 21 states and the District of Columbia have increased the likelihood that overdose victims receive life-saving naloxone.

- Harm-reduction laws generally fall into two categories. The first addresses increasing access to the prescription drug naloxone and eliminating civil liability for those administering the drug. The second category of laws, also known as Good Samaritan laws, addresses the fear of criminal repercussions for overdose victims and bystanders.
- In 2001, New Mexico became the first state to pass a law to make it easier for health practitioners to pre-

scribe naloxone, even to third parties like parents or friends of an addict. The law also protected people who administered the antidote, as well as the prescriber, from civil liability.

- Fifteen other states and the District of Columbia have similar laws increasing access to naloxone. In addition, Oregon allows third-party prescriptions after training and Ohio has a pilot program underway in Lorain County under a 2013 law.⁷
- New Mexico led the way in 2007 with a Good Samaritan provision to encourage bystanders to summon help by reducing or eliminating the criminal justice consequences for the bystanders and the overdose victim.⁸
- Sixteen other states and the District of Columbia have adopted some form of Good Samaritan law, six states as recently as the 2013 legislative session.⁹
- In its survey of bills filed as of Feb. 5, 2014, CSG found at least seven states that are moving to strengthen existing laws and seven additional states looking to adopt new laws regarding use of naloxone.
- A 2012 CDC review of 48 community-based programs offering opiate overdose prevention services documented 10,171 overdose reversals, from the first program's inception in 1996 to June 2010. In the 12 months before the survey, the programs reported distributing more than 38,000 vials of naloxone.¹⁰



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REFERENCES

¹Centers for Disease Control and Prevention. Wide-ranging OnLine Data for Epidemiologic Research (WONDER) [online]. (2012) <http://wonder.cdc.gov/mortsql.html>.

²Ibid.

³Ibid.

⁴Ibid.

⁵Substance Abuse and Mental Health Services Administration. Highlights of the 2011 Drug Abuse Warning Network (DAWN) findings on drug-related emergency department visits. The DAWN Report. Rockville, MD: US Department of Health and Human Services, Substance Abuse and Mental Health Services Administration; 2013. <http://www.samhsa.gov/data/2k13/DAWN127/sr127-DAWN-highlights.htm>.

⁶Substance Abuse and Mental Health Services Administration, Results from the 2012 National Survey on Drug Use and Health: Summary of National Findings, NSDUH Series H-46, HHS Publication No. (SMA) 13-4795. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2013. <http://www.samhsa.gov/data/NSDUH/2012SummNatFindDetTables/NationalFindings/NSDUHresults2012.pdf>

⁷The Network for Public Health Law, William Mitchell College of Law, "Legal Interventions to Reduce Overdose Mortality: Naloxone Access and Overdose Good Samaritan Laws," Nov. 2013.

https://www.networkforphl.org/_asset/qz5pvn/network-naloxone-10-4.pdf.

⁸Ibid.

⁹Ibid.

¹⁰Centers for Disease Control and Prevention, "Community-Based Opioid Overdose Prevention Programs Providing Naloxone — United States, 2010," MMWR, February 17, 2012. <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6106a1.htm>.

State Harm Reduction Laws to Prevent Drug Overdose Deaths and Bills Proposed in 2014 Legislative Sessions (as of Feb. 5, 2014)

State	Naloxone access laws	Drug overdose Good Samaritan laws	Legislation pending as of Feb. 5, 2014	
Alabama				
Alaska		Yes, 2008*		
Arizona				
Arkansas				
California	Yes, 2011, 2014	Yes, 2013	A 1535	
Colorado	Yes, 2013	Yes, 2012		
Connecticut	Yes, 2003, 2012	Yes, 2011		
Delaware		Yes, 2013		
District of Columbia	Yes, 2013	Yes, 2013		
Florida		Yes, 2012		
Georgia				
Hawaii				
Idaho				
Illinois	Yes, 2010	Yes, 2010, 2012		
Indiana			SB 227	
Iowa				
Kansas				
Kentucky	Yes, 2013		SB 5	SB 12
Louisiana				
Maine			HP 1209	
Maryland	Yes, 2013	Yes, 2009*		
Massachusetts	Yes, 2012	Yes, 2012		
Michigan			S 721	
Minnesota			HB 1516	
Mississippi				
Missouri				
Montana				
Nebraska				
Nevada				
New Hampshire				
New Jersey	Yes, 2013	Yes, 2013		
New Mexico	Yes, 2001	Yes, 2007	SB 241	
New York	Yes, 2006, 2007	Yes, 2011	SB 4588	A 8285
North Carolina	Yes, 2013	Yes, 2013		
North Dakota				
Ohio	Yes, 2013**		SB 105	HB 170
Oklahoma	Yes, 2013	Yes, 2014		
Oregon	Yes, 2013***			
Pennsylvania			SB 1164	
Rhode Island	Yes, 2012	Yes, 2012		
South Carolina				
South Dakota				
Tennessee			HB 1427	SB 1631
Texas				
Utah				
Vermont	Yes, 2013	Yes, 2013	SB 60	
Virginia	Yes, 2013		HB 352	HB 1129
Washington	Yes, 2010	Yes, 2010*		
West Virginia				
Wisconsin			A 447 A 446	S 350 S 352
Wyoming				

*Reporting overdose can be mitigating factor in criminal sentencing

**Pilot program in Lorain County for first responders to administer naloxone

***Third-party prescription only after training

Sources: The Network for Public Health Law, William Mitchell College of Law, "Legal Interventions to Reduce Overdose Mortality: Naloxone Access and Overdose Good Samaritan Laws," Nov. 2013. https://www.networkforphl.org/_asset/qz5pvn/network-naloxone-10-4.pdf and Council of State Governments research on legislation pending in 2014.