

True kindness knows no boundaries

We want a Drug Overdose Good Samaritan Act to be enacted in Wales to help save lives.



What is a Drug Overdose Good Samaritan Act (DOGSA)?

A DOGSA provides legal protection for individuals who experience or witness a suspected drug-related overdose. The act will help reduce fear of police attending overdose events and encourage people to seek emergency help and help save a life. Under current laws, many will, and do not respond in the most appropriate manner due to fear of arrest and prosecution.

New Mexico was the first state to enact such a law in the United States, in 2007 and by 2021, 47 states and Washington D.C. have since introduced such acts. [1] Canada introduced the nation-wide Good Samaritan Drug Overdose Act in 2017 in response to the growing threat of the use of synthetic opioids. [2] If introduced, Wales would become the first European nation to implement such innovative and lifesaving legislation.

What does the evidence suggest?

Between 2021 - 22, follow-on care was recorded for 82% (n=235) of drug poisoning events where the use of naloxone, the lifesaving drug that can temporarily reverse the effects of an opioid overdose, was reported. [3] As part of effective overdose management, it is advised that those at the scene call 999 for emergency assistance, regardless of whether naloxone has been administered or not. [4] However, in 50% (n=117) of these overdoses, an ambulance was not called and therefore effective overdose management was not applied increasing the risk of a fatal episode. [3]

There have been calls previously within the UK to introduce a DOGSA, in response to the growing number of preventable drug-related deaths, with bereaved parents questioning whether the delay in calling for an ambulance attributed to the deaths of their sons. [5]

Research from the United States has found that the jurisdictions that have implemented, a DOGSA, has led to increase in lifesaving behaviours among people who are aware of the laws. This includes individuals present at a suspected drug-related overdose are more likely to call 911. [1]

As of 2021, the jurisdictions within the United States that have implemented a DOGSA, there was a 7% decrease of all overdose deaths and 10% lower rates in opioid-related deaths compared to rates prior to enactment, and death rates in states without such laws. [6]



Image: Poster used to raise awareness of the Good Samaritan Drug Overdose Act in Canada. [2]

Why now?

Using drugs in sight of other people is recommended as a key harm reduction message to anyone who is to use substances, which can potentially save a life if that person was to overdose. [4] Many drug-related overdoses occur with other people around and overdose management training stressors that one of the first responses to such an event is to call 999, to bring medical professionals to the scene who will relieve the witnesses of the enormous responsibility of saving a life. [4] However, we are aware there have been many instances where doing either, or both, of these effective responses, has not happened.

There is the possibility that people who experience or witness a drug-related overdose, may be in possession of illegal drugs. All Welsh police forces have implemented a program whereby officers can volunteer to carry naloxone and coincidentally, the police are often the first emergency service to respond to, and attend, a drug-related overdose. [7] In the UK, individuals can be arrested and prosecuted if they experience a drug-induced overdose. [8] Subsequently, there is a fear that those at the scene could be searched for the possession of illegal drugs, arrested, and later prosecuted. As a result, this could lead to the emergency services initially not being called, or people leaving the scene, and therefore a health emergency not being effectively responded to. Consequently, this could result in a threat to life for the individual who has experienced an overdose.

Such threat to life may be exacerbated with the emergence of toxic and deadly substances within the Welsh illegal drugs markets. Wales recorded their third highest drug-related death figures in 2022 [3] with fear within the sector that this is going to get worse in the foreseeable future, considering the emergence of synthetic opioids, most notably nitazenes within the illegal drugs market. Canada and many jurisdictions across the US, implemented their respective DOGSA to complement their public health approach to substance use and protecting the health and safety of their citizens. Now is the time for Wales to take a similar approach.

Why a new act?

A DOGSA could protect all individuals, including the person experiencing an overdose, from charges for personal possession of a controlled substance under the Misuse of Drugs Act 1971, and therefore remove fear of police attending overdose events and encourage people to help save a life.

“I’ve seen a young girl go over ... I just left. I shouldn’t. That was a terrible thing to do, but I just panicked. I’d a pocketful of drugs, so I’d gone.”

Anonymous, recounting a situation when they witnessed an overdose and left due to fear of the police attending. [4]

What do we want?

- Until any new legislation is enacted, we encourage all Welsh police forces to use their powers of discretion when attending, and dealing with, a suspected drug-overdose incident.
- We call on the UK Government to either amend the Misuse of Drugs Act 1971, or to establish brand-new legislation, that would serve to provide criminal immunity in the face of a health emergency, especially in light of the growing threat of the use of synthetic opioids.
- While we recognise that current criminal law is not devolved, we urge Welsh Government to officially recognise the power of DOGSAs in limiting the number of preventable drug-related deaths in Wales, calling on UK Government to establish appropriate legislation.

References

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