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Support HB 1500 – A Humane, Lifesaving Approach to Drug Overdose

HB 1500 would establish an affirmative defense to prosecution of an individual for simple possession of a controlled substance, intoxication in public, and the unlawful purchase, possession, or consumption of alcohol if that person sought or obtained emergency medical attention for himself or for another person because of a drug- or alcohol-related overdose and if the evidence for the charge was obtained as a result of the individual seeking or obtaining emergency medical attention.

The chance of surviving an overdose depends greatly on how fast one receives medical assistance. Based on preliminary data provided by the Virginia Department of Health, Schedule I or II drugs caused 82% of the 912 drug or poison deaths in 2013. Many of these deaths are preventable. Most deaths occur one to three hours after the overdose. Lives can be saved if medical intervention occurs.

This bill lifts a deterrent to reporting serious medical emergencies. Witnesses to heart attacks rarely think twice about calling 911, but witnesses to an overdose often hesitate to call for help or, in many cases, simply don't make the call. In fact, research confirms the most common reason people cite for not calling 911 is fear of police involvement. This bill provides a common-sense approach of offering an affirmative defense for those who seek medical treatment for themselves or for others as a result of taking drugs or alcohol. People should be encouraged to seek out medical attention during a medical emergency.

There's a growing movement to save lives. 21 states and DC provide limited immunity from arrest or prosecution for minor drug law violations for people who call for help at the scene of an overdose.¹ It's time for the Commonwealth to move a step closer to joining this commonsense group.

This bill does *not* protect individuals engaged in the sale of drugs or those driving while drugged. These policies protect only the caller and overdose victim with an affirmative defense to prosecution for simple drug possession, possession of paraphernalia, and/or being under the influence.

HB 1500 takes a public health approach to substance abuse.

¹ New Mexico, Alaska, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Louisiana, Maryland, Massachusetts, Minnesota, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Washington State, Wisconsin, and DC.