

Grace Keller
Comment on S.58
3/13/2024

Dear Senate Judiciary Committee,

Thank you so much for all of your efforts to reduce overdose deaths in Vermont. One of the most challenging elements of drug policy is that is the unintended consequences are difficult to see and are often more severe and dangerous than the conditions that they strive to remedy. **Data shows that with S.58 would be counterproductive and harmful as we would lose more lives, reduce or eliminate calls to 911 and more than half the time ensnare and prosecute the most vulnerable people in the overdose epidemic.**

A national analysis of “Delivery with Death Resulting” and similar laws indicates that **the majority of individuals accused of Delivery with Death Resulting and similar crimes are not dealers but instead friends, family, spouses and partners of the deceased.**^[i] The vast majority of those people also have a substance use disorder. In most cases people pooled their money, shared or sold small amounts of drugs to fund their addiction.^[ii] With the pooling of resources, the role of supplier also changes from day to day and sadly so does the potential of being a victim of overdose.

Data also demonstrates that Delivery with Death Resulting laws do not deter drug dealing but instead undermine lifesaving, evidence-based efforts.

According to the US. Department of Justice, “Sending an individual convicted of a crime to prison isn’t a very effective way to deter crime and prison sentences (particularly long sentences) are unlikely to deter future crime. More severe punishments do not “chasten” individuals convicted of crimes, and prisons may exacerbate recidivism.”^[iii] According to a Pew Report, not only do sentence lengths not deter crime, incarceration itself shows to have no impact on drug use or overdose rates.^[iv] These laws can further compound tragedy as people exiting incarceration are at 129% greater risk of dying from overdose than the general public.

One of the unintended consequences are that S.58 has the potential to undue all of our hard work on the Good Samaritan Law. **The threat of arrest and prosecution will reduce or eliminate calls to 911.** With our goal is to reduce overdose deaths, the bystanders are our greatest assets and people on the scene are oftentimes the overdose victim’s only chance for lifesaving measures like administering naloxone, providing rescue breathing and calling 911. **Our laws should work to increase the chances that bystanders are protected to stay, render aid and call for help.**

Sadly, Good Sam has not worked as intended and we know that but adding consequences would virtually eliminate people calling for help. The way to remedy this would be to strengthen Good Sam’s protection and work to educate the public on the law. Especially in these potential worse case scenarios that this bill strives to

address, more protection for the people on the scene is the only chance we have to create an environment where they feel safe calling for help. The people on the scene are the first responders and the more protection they have, the choice to call for help becomes more likely and automatic.

Additionally, evidence from the U.S. and Canada shows that strong social ties between drug suppliers and users are potentially protective from overdose and the prosecution and incarceration of suppliers could potentially increase opioid overdose deaths.^[v]

We should focus our resources on evidence-based life saving strategies.

With the cost of incarcerating an individual in Vermont close to \$100,000, S.58 is expensive and counterproductive. As someone who has worked in harm reduction for 15 years, \$100,000 for live-saving, evidence-based practices can be very hard to secure. Our communities desperately need housing, harm reduction services and methadone and suboxone access, all of which are proven to reduce overdose. When the stakes are life and death, we should invest the limited resources in data driven responses that keep people alive and capitalize on the protective networks that exist in our communities.

Thank you so much for your time and dedication to reducing overdoses in Vermont. We are forever grateful.

Sincerely,

Grace Keller
Chair of The Vermont Overdose Prevention Network