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Extending Immunity for Drug Overdoses

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Abstract

The Tennessee Code 63-1-156 provides immunity to those who suffer from a drug overdose that seek medical assistance, only for the first overdose. After the first overdose, individuals who seek medical assistance do not receive immunity and are subject to criminal charges. Over the past 5 years, drug overdose deaths have increased significantly and in 2021 3,814 Tennesseans died from a drug overdose. In addition, individuals incarcerated for drug-related offenses make up about 20% of the state's prison population. The state of Tennessee has had a significant increase in drug abuse rates, leading to a rise in overdose deaths and incarceration rates. HB0075 and SB0256, sponsored by Representative William Lamberth and Senator Jack Johnson, extend criminal immunity for those suffering from drug overdose and seeking medical assistance, whether the first or any overdose. This legislation recognizes data indicating that people who have overdosed once are more likely to overdose again (CDC, 2022). These bills recognize the importance of providing individuals with the necessary protection to seek medical assistance without fear of legal repercussions for every overdose. By shifting the focus from criminalizing drug use to providing immunity and assistance for every overdose, HB0075 and SB0256 align with the NASW values social justice and dignity and worth of the person. The bills aim to protect individuals' dignity by providing immunity to those who seek medical assistance for an overdose, and they promote social justice by recognizing drug use as a public health issue and providing support and assistance to individuals who suffer from drug overdose. This paper will explore these bills and their potential to have a positive impact on the social welfare issue of drug use.