



John Nygren

WISCONSIN STATE REPRESENTATIVE ★ 89TH ASSEMBLY DISTRICT

Co-Chair, Joint Committee on Finance

**Assembly Committee on Judiciary
Chair, Representative Jim Ott
Testimony by Representative John Nygren
March 8, 2017**

Thank you Chairman Ott and members of the Committee on Health for holding a public hearing on Special Session Assembly Bills 3 and 5.

For the past two sessions, we have worked together as legislative colleagues to pass a package of 17 bills aimed at combating our state's opioid and heroin epidemic. We call this package the Heroin, Opioid Prevention and Education – or HOPE – Agenda. With unanimous bipartisan support and Governor Walker's signature, we successfully laid a foundation to combat heroin and opioid addiction in Wisconsin. That said, there is still more work to be done.

This session, I was appointed Co-Chair of the Governor's Task Force on Opioid Abuse with Lt. Governor Kleefisch. Following three task force meetings throughout the state, involving testimony from dozens of citizens, advocates, and stakeholders, the Lt. Governor and I released a report of recommendations to Governor Walker. The governor took immediate action and called for a Special Session on Opioid Abuse.

The following bills are part of Governor Walker's Special Session call to fight opioid abuse and addiction in Wisconsin:

2017 Special Session Assembly Bill 3

In 2014, Governor Walker signed a bill into law called the "911 Good Samaritan Law" that granted limited immunity to an individual who calls 911 to help another person experiencing an overdose. This law is a lifesaving measure that helps encourage people suffering from addiction to call for help and potentially save another person's life.

This bill expands upon current law to include limited immunity for the person who may be experiencing the overdose. Recovery advocates have been very vocal about the need for this expansion because it will further encourage people to call for help in the instance of an overdose. Wisconsin is currently one of the only "911 Good Samaritan Law" on the books that does not extend limited immunity to both the caller and the person experiencing the overdose. With this bill, even more lives will be saved.

2017 Special Session Assembly Bill 5

Under current law, there is a stringent framework in place that allows for the involuntary commitment for a person who is suffering from alcohol addiction. This bill expands upon current



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law to allow for the involuntarily commitment of a person who suffers from drug addiction. This expansion will allow family members, friends, and others the opportunity to bridge the gap between their loves ones' addiction and an opportunity for treatment and recovery.

Involuntary commitment under this bill requires three separate individuals to petition the court if a person is a danger to his or herself, or others, due to drug addiction. If granted, the person may be held for up to 72 hours in emergency detention. This time within the emergency detention setting is key – not only does it take the person out of a dangerous cycle of active drug use, but it's a good opportunity for family members, friends, or others to convince the addicted individual to agree to go to treatment.

A person who suffers from a drug addiction should be offered the same avenues of help that people who suffer from an alcohol addiction are given. This bill will simply align current law so these two addictions – drugs and alcohol – can be treated similarly regarding emergency detention.

I appreciate the opportunity to testify before your committee today on these important pieces of legislation and welcome any questions you may have at this time.

Bev Kelley-Miller
W728 River Bend Drive
Kaukauna, WI 54130
February 24, 2017

Dear Wisconsin State Legislator:

Thank you for taking the time to read this letter and for considering legislation which will help to prevent easily preventable tragedies in our state and in our communities.

I encourage you to vote in favor and support January 2017 Special Session Senate Bill 3 and its companion January 2017 Special Session Assembly Bill 3. These bills extend Wisconsin's "Good Samaritan Law" and will help make sure that people who are experiencing an overdose and those around them, do not have to fear nor worry about legal consequences to them, and can instead focus on getting medical assistance to the person overdosing, thereby saving their lives.

On April 14, 2015, my youngest daughter, Megan Rose Kelley, Forever 22, relapsed, overdosed and died from a heroin overdose. She had been in the criminal justice system and convicted of four felony charges involving heroin. Megan was sentenced to 4 years' probation and 36 months stayed prison sentence. The terms of her probation indicated that she was to maintain sobriety. Addiction is NOT an understandable disease and consequences often do not matter because the drug is much more powerful to the brain. Megan had detoxed the year before, and became extremely sick with pancreatitis; she swore she would NEVER go back to using. Megan truly wanted to remain drug free, yet environmental cues can be factors in triggering one back to using, i.e. seeing one's friends who used to use drugs with you or just seeing ads of drug paraphernalia can be a trigger.

My daughter's friend who supplied her with the heroin had been released from jail on March 9, 2015; and within days of his release, he had given Megan heroin. He was on extended supervision having been released from prison in June 2014. I know he supplied her with the heroin when she died because he came through Megan's funeral line and told me he was the last person to see her alive. He told my son-in-law in the funeral parking lot that he used the heroin with Megan. I know from her phone records that she overdosed around 3 a.m. and died shortly after that. Her supplier was afraid to call 911 to save Megan's life knowing that if he got caught with drugs on extended supervision he could be revoked and sent back to prison. Had Megan survived the overdose, she could have been revoked from probation and sent to prison to serve the 36 months stayed sentence she received.

The girlfriend whom Megan was talking to when her called dropped at 2:58 a.m. was also afraid to call 911 or Megan's dad to save her life. The girlfriend had a young son and was connected to the supplier. The point I'm trying to make is that NO ONE should EVER be afraid to call 911 to save a life. Saving lives should be much more important than arresting someone who tries to save a life. Granting immunity to those on probation, parole, and extended supervision will greatly improve the chances that people will focus on saving lives rather than saving themselves from getting into trouble. We are also asking that immunity be granted to the overdose victim. Minnesota grants overdose victims immunity, as a result its 911 Good Samaritan Law is more effective in saving lives.

Thank you again for reading this letter and listening to my daughter's story, and thank you for your vote in favor of this bill, which will help to make ensure that anyone who undergoes an overdose is able to receive the medical treatment and assistance that they need. I hope that both the Assembly and the Senate act quickly to pass this bill and send it to the Governor's desk.

Sincerely,

Bev Kelley-Miller
Megan Kelley's Mother

SSAB3

3-7-2017

Jesse Heffernan
Recovery Coach & Consultant
Helios Addiction Recovery Services LLC

RE: Special Session Assembly Bill 3

To: Assembly Committee on Judiciary

Dear Committee Members

I am writing to express my strong support of the proposed expansion to the current WI Good Samaritan 961.443 to include Immunity from criminal prosecution and revocation of parole, probation, or extended supervision and that no aider or aided person may have their parole, probation, or extended supervision revoked, and an aider or aided person is immune from prosecution.

As a person in long term Recovery and having worked with people and families seeking recovery, I believe that we need to continue to help people survive the current opiate and heroin epidemic, so we can get them into recovery and back on the right track.

My own experience has shown me that we cannot give up, we cannot say no to anyone the 99th time they need help, because it may the 100th time that they finally reach a personal point where they they are ready to decide to live in recovery.

We know many more of the overdose deaths we hear about and see daily in our state could have been prevented when witnesses can act more quickly to call 911 or take their friend to the emergency room. This expansion to grant further immunity will help remove additional barriers of fear of arrest that witnesses experience when they are dealing with a life-or-death crisis.

We need to continue to expand the ways we can provide hope and opportunity to people facing substance use issues in WI. I trust that you will do what is pass this imperative measure to give individuals and families another chance at life and finding recovery.

Signed,



Jesse Heffernan
Helios Addiction Recovery Services LLC

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