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To: House Committee on Health Care
Re: SB 384-A

Chair Greenlick and members of the committee,

The Oregon Trial Lawyers Association (OTLA) has reviewed SB 384-A regarding opiate overdose treatment. Similar bills have been introduced in other states, most recently the Opiate Antidote and Overdose Protection Act in New Jersey. This bill directs the Oregon Health Authority to establish a lifesaving training program for opiate overdose treatment, including the proper administration of naloxone. Naloxone reverses the effects of opiate use, such as depressed breathing and is a standard emergency medicine drug used for opiate overdose treatment.

While the goal of reducing the number of accidental heroin overdoses is laudable, the bill grants "immunity" to any person who successfully completes opiate overdose lifesaving training, including any person who treats a person who appears to be experiencing an opiate overdose with naloxone.

Historically, "immunity" was limited to sovereign immunity ("the King can do no wrong") and charitable immunity. Those immunity laws prevented a person injured from holding the wrongdoer accountable for the harm he/she caused. Today, those historic immunity grants have been eliminated or modified by statute or judicial decision.

The concept of "immunity" is based on the notion that while a person might have caused harm to another, social values of significant importance justify letting the person who caused harm escape liability. Unfortunately, there has been a significant effort in recent years to expand the use of "immunity" both nationally and in Oregon. Organizations such as the American Legislative Exchange Council (ALEC) have written and promoted legislation that includes ever expanding grants of immunity. The proposed legislation often protects oil, drug, and insurance interests by extending immunity to harmful or bad business conduct. The recent expansion of the grant of immunity eliminates the rights of workers and consumers who suffered injury due to the "immune" business conduct.

OTLA opposes the ever expanding use of immunity in most situations. Legislation that encourages certain types of conduct should not include immunity, unilaterally eliminating a most basic constitutional right of access to justice for all Americans. Such legislation weakens the civil justice system and ultimately costs everyone by protecting negligent conduct.

Thank you for consideration of our comments.

The Oregon Trial Lawyers Association