

Date: February 29, 2021

From: Daniel Warren, MD

Ref: Support for providing immunity from criminal prosecution for possession of controlled substances or drug paraphernalia if seeking assistance related to substance use

House Judiciary Committee

Chairman Patton and Members of the Committee:

Good afternoon, Chairman Patton and Members of the Committee. My name is Daniel Warren. I am a physician in Wichita, Kansas, where I practice in the field of addiction medicine. I am writing to you in regarding HB 2365, Providing immunity from criminal prosecution for possession of controlled substances or drug paraphernalia if seeking assistance related to substance use.

I am the medical director of an opioid treatment program (“methadone clinic”) as well as a treatment provider at a federally-qualified health center (FQHC). I spend the entirety of my medical practice providing treatment for people who have opioid use disorder, what can be colloquially called opioid addiction. I have heard, in the last 3-plus years of practice in Kansas, innumerable stories pertaining to the contents of this bill. Most of my patients know people, sometimes close family members or friends, who have had overdoses. Many of my patients have also experienced overdose themselves. There are two possibilities for response to an overdose: when people have some luck on their side, another person finds them early in their overdose and calls for an emergency response; if unlucky, they may not be found until it’s too late.

There is a third possibility that we need to address: when a second party fails to contact emergency response at the time of an overdose. This primarily occurs because of fear of arrest and criminal prosecution. These are stories I hear frequently. My opinion is that these tragedies are avoidable if we clarify where we stand in Kansas: that we support the fundamental importance of saving a human life over the importance of prosecuting drug crimes. We have an opportunity to communicate to people who use drugs that their lives are more valuable than their crimes. In so doing, I believe that we will be communicating a second message as well, that the Kansas Legislature is willing to stand up for people who use drugs.

There are other changes that we need to make in how we respond to the actions of people who use drugs. Removing legal penalties for saving a friend’s life is an important step in this process, especially as we begin to confront the highly lethal third wave of the opioid epidemic with fentanyl becoming the dominant opioid used in many Kansas communities.

Sincerely,

Daniel Warren, MD