

June 27, 2019

The Honorable Roy Cooper
Governor of the State of North Carolina
20301 Mail Service Center
Raleigh, NC 27699-0301

Re: Veto Request - HB 474, Death by Distribution

Dear Governor Cooper,

The ACLU of North Carolina, on behalf of our more than 22,000 members and supporters, write to you today to urge you to veto HB 474, Death by Distribution. We are dedicated to making North Carolina's criminal justice system fair and free of disparities, which includes ensuring that criminal penalties are narrowly tailored to their intended purpose.



P.O. Box 28004
Raleigh, NC 27611
(919) 834-3466
acluofnc.org

Leah Hamilton
President

Karen M. Anderson
Executive Director

HB 474 dramatically expands the instances in which a person who has sold any amount of certain drugs can be prosecuted for second-degree murder for the overdose death of a recipient of those substances. If enacted, HB 474 would lead to an increase in overdose deaths. Research shows that fear of prosecution prevents people from making critical 911 calls in overdose situations, resulting in more deaths that could have been prevented.¹ This bill fails to extend the limited immunity protections in the successful 911 Good Samaritan statute, G.S. 90-96.2, to this new serious charge, which could serve to mitigate this harmful consequence.

It is also alarming that death by distribution laws in other states have resulted in the extensive prosecution of friends and family members of overdose victims, who may be suffering from substance use disorders themselves, not only the high-level drug traffickers the law intends to target. Prosecuting a friend or family member who may sell a small amount of drugs to a loved-one who is experiencing painful withdrawal only serves to push people who need treatment for substance use disorders further into the shadows.

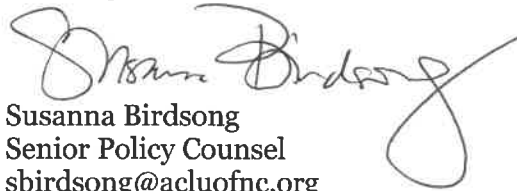
As your administration has advocated, increasing access to treatment and recovery support, as well as reducing the over-prescription of opioids are the most effective ways to stop this epidemic. That concern was echoed by Virginia Governor Ralph Northam when he vetoed a similar bill in March: "While I share the goal of addressing the opioid crisis and ensuring drug dealers are punished for supplying dangerous

¹ K. C. Ochoa et al., "Overdosing among young injection drug users in San Francisco," *Addict Behav* 26, no. 3 (2001); Robin A. Pollini et al., "Response to Overdose Among Injection Drug Users," *American journal of preventive medicine* 31, no. 3 (2006); M. Tracy et al., "Circumstances of witnessed drug overdose in New York City: implications for intervention," *Drug Alcohol Depend* 79, no. 2 (2005).

drugs, this bill goes beyond drug dealers and would punish individuals who are themselves struggling with addiction. The way to help individuals struggling with addiction is to ensure they receive proper treatment."

We urge you to stand with the families of overdose victims against knee-jerk criminal penalties that ignore the real needs of North Carolinians who are suffering from the harmful effects of drug addiction. For the reasons above, the ACLU of North Carolina and our members and supporters ask that you veto HB 474.

Best Regards,



Susanna Birdsong
Senior Policy Counsel
sbirdsong@acluofnc.org

