



# Good Samaritan overdose laws

Factsheet · June 2026



# About the Bill

**The Drug Overdose (Assistance Protection) Legislation Bill** is a member's bill in the name of Green MP Kahurangi Carter. It is an example of what is internationally referred to as a "Good Samaritan overdose law" — a reform the New Zealand Drug Foundation has long advocated for.

If passed, the Bill would amend three Acts to ensure that people who seek emergency help during a drug overdose or acute adverse drug reaction are not punished for doing so.

## The Bill at a glance

**Name:** Drug Overdose (Assistance Protection) Legislation Bill – available [here](#)

**Sponsor:** Kahurangi Carter MP (Green Party): member's bill

**Status:** Drawn from the ballot in September 2025. Passed first reading on 29 April 2026; sent to the Health Select Committee.

[Submissions due on 16 Jun 2026.](#)

**What it does:** Removes the risk of prosecution for low-level Misuse of Drugs Act offences when emergency help is sought in good faith for a drug overdose or acute adverse reaction — protecting the person experiencing the overdose, the person who calls for help, and others at the scene. The protections only apply for a narrow list of offences. Also protects people on bail or parole from breaching drug or alcohol conditions in those circumstances.

## What the Bill does

- **Misuse of Drugs Act 1975:** Inserts a new section 34B preventing prosecution for specified low-level drug offences (e.g., personal possession or use, possession of utensils, social sharing of a controlled drug between up to five people, cultivation of up to two cannabis plants, and certain offences relating to premises) when the evidence was obtained because emergency help was sought in good faith.
- **Bail Act 2000:** A defendant on bail does not breach a drug or alcohol condition where the new section 34B applies.
- **Parole Act 2002:** Equivalent protection applies to people on parole, who are at heightened overdose risk after a period of enforced sobriety in custody.

## Who is protected

The Bill protects three groups when emergency help is sought:

- the person experiencing the overdose or adverse reaction;
- the person who, in good faith, seeks emergency assistance for them; and
- any other person who is at the scene and stays to offer support or assistance.

Police are also treated as not having grounds to search where those grounds arose because emergency help was called.



## What the Bill does NOT do

- It does not legalise drug use or possession in everyday circumstances — ordinary Misuse of Drugs Act rules continue to apply outside of an emergency.
- It does not protect people from charges for serious or violent offences, or for any offence outside the specified narrow list. It also requires the caller to act in good faith, with a genuine intent to help someone in an emergency.
- It does not affect the role of medical responders — ambulance and hospital care continue as normal.

## Why it matters now

On average, almost three people a week die from accidental overdose in New Zealand. Coronial findings have repeatedly identified hesitation to call for help — driven by fear of getting in trouble with the law — as a contributing factor in preventable deaths. A 2025 Drug Foundation survey of people at risk of drug harm found that 39.6% would be worried to call 111 if someone was experiencing an adverse reaction.<sup>1</sup>

“If passed, this small law change will let us send a clear message that people should get help straight away and that they won’t get in trouble.”

— Sarah Helm, Executive Director, NZ Drug Foundation

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<sup>1</sup> New Zealand Drug Foundation. (2025). *Safer drug laws for Aotearoa New Zealand. Evidence to inform regulatory change.* New Zealand Drug Foundation.



# Background: Good Samaritan overdose laws explained

## What are Good Samaritan overdose laws?

Good Samaritan overdose laws provide legal protections for people who help someone experiencing a drug overdose or serious acute drug harm. Under these laws, people acting in good faith to prevent death or serious harm cannot be prosecuted for specified drug offences. To work well and remove any hesitation, the protection should also extend to the person experiencing the overdose or acute reaction and to anyone else at the scene.

Fear of criminal prosecution often stops people calling for help. Sometimes hesitation comes from a mistaken belief that the person will “come around” on their own and may be later angry with the caller for “getting them in trouble”. Because it can be very difficult to tell a fatal overdose from a non-life-threatening reaction, the law needs to support a very low threshold for action: if in doubt, call for help.

These laws are not designed to lower the number of drug prosecutions overall. The purpose of Good Samaritan overdose laws is to remove the hesitation that costs lives.

## What is the local evidence for change in Aotearoa New Zealand?

A 2025 Drug Foundation survey of people at risk of drug harm (n=442) found 39.6% would be worried to call 111 if someone had an adverse reaction.<sup>2</sup>

Coronial findings have repeatedly highlighted witness hesitation as a factor in deaths, including:

- In Eble [2024] NZCorC 65, the Coroner noted that the person’s fiancée considered calling an ambulance several times, but ultimately did not.
- In Strongman [2024] NZCorC 204, the Coroner noted the delay of a group of friends to call the services, which likely led to the person’s death.
- In Kidwell [2021] NZCorC 3, the Coroner was “dumbstruck by the lack of action taken to assist Mr Kidwell by others” when he was found incapacitated.
- In Pita [2023] NZCorC 39, the Coroner noted an expert emergency doctor’s cautioning “against an approach that penalises users. Penalising users can create a barrier to seeking medical attention, even in cases of emergency.” The Coroner also noted the imperative for non-delay in seeking assistance.
- In Gunnell [2024] NZCorC 156, a young man suffered severe distress following ingestion of a hallucinogenic drug, which ultimately led to him falling off Auckland’s Symonds Street overpass. The Coroner endorsed the recommendation of a “Buddy system” through which peers can support one another and call for help in case of distress under the influence of drugs. Such a system would greatly rely on the legal certainty of non-prosecution of the person assisting or the individual experiencing an adverse drug reaction.

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<sup>2</sup> Ibid.



## How can the law be made most effective?

Good Samaritan overdose laws work best when they remove doubt about prosecution and reinforce an “if in doubt, call for help” approach. Key design features include:

- Protecting all three groups: the caller, the person experiencing the overdose or acute reaction, and others at the scene.
- Defining the triggering event broadly, based on a layperson’s reasonable perception of risk, not on clinical assessment. Acute psychological distress will be covered by the protections, as it can lead to serious self-harm.
- Covering a meaningful list of offences: at minimum, low-level offences (possession/use, utensils, and premises offences). Optimally, also social supply of drugs and certain non-violent offences common in at-risk communities, including breaches of drug-related parole conditions, as leaving custodial settings is a strong predictor of fatal overdose.

## How big is the overdose problem in New Zealand?

On average, three people a week die from accidental overdose. Between 2016 and 2023, 1,179 people died.

- There is no “typical drug user” in New Zealand. Those who die each year are young and old, from every region of the country. Men die more often than women, and the highest-risk age group is 45–54.
- Opioids (drugs like morphine, heroin, prescription painkillers) cause around 65 deaths a year. Other drugs like cocaine, methamphetamine, and prescription medicines are involved in around 83 fatal overdoses a year. Mixing drugs, especially depressants such as opioids and benzodiazepines, with alcohol is a major contributor to overdose deaths.
- Sometimes, people take a drug but it has an unknown or dangerous additive (adulterant), or it is something completely different from what they expected. Some potent opioids like fentanyl or nitazenes have been found in drugs in New Zealand, resulting in non-fatal and fatal overdoses.

## Who could the law help?

Many drugs carry a risk of accidental overdose, especially when the substance is mixed with other drugs or alcohol. A Good Samaritan overdose law could help anyone who uses drugs, even if they consume a drug once (e.g., at a festival), by making it easier for friends and family to call for help if they overdose. Many overdoses are witnessed, often by someone who knows the person. The sooner help is called, the greater the chance of survival. Even small delays can be the difference between life and death.

## Have other countries done this? Have their overdose rates come down?

New Zealand has a proud history of world-leading, life-saving measures to prevent the extreme consequences of drug harm. One example is the implementation of needle exchange programmes in 1988, which has enabled New Zealand to avoid the high numbers of HIV infections suffered overseas among people who inject drugs and their sexual partners. A more recent successful intervention was creating drug checking legislation.



The United States and Canada have similar Good Samaritan overdose laws. Some studies have shown a 10–15% reduction in opioid overdose deaths within one to two years<sup>34</sup>. In New Zealand that could mean roughly 15–23 lives saved each year.

A New York study found that following enactment of Good Samaritan overdose laws, the number of hospitalisations with heroin overdose rose, demonstrating that people who urgently require help are making it to the hospital to receive professional help<sup>5</sup>. Otherwise, these people could have died.

Other studies show mixed results<sup>6</sup>. This could partly be because people who use drugs don't know the law exists, or lack confidence that it will be respected and enforced. In New Zealand, we have demonstrated already that our Police will respect the anonymity of people using needle exchanges and drug checking. And we have well-developed communication methods to ensure those most impacted are made aware, thanks to interventions like the early warning system High Alert.

Some jurisdictions (e.g., British Columbia) operate a policy of Police non-attendance at non-fatal overdoses unless safety requires it. This aligns with the current direction of reducing Police attendance at mental health calls in New Zealand and can further boost the effectiveness of Good Samaritan overdose legislation here.

## What if other crimes occur at the scene?

The Bill's protection only covers a narrow list of low-level Misuse of Drugs Act offences. It does not protect people from charges for serious or violent offences, or for anything outside the specified list.

## Won't this just encourage drug use or send the wrong message to the public?

**No. The Bill only removes prosecution risk in an emergency:** ordinary drug law continues to apply at all other times. There is no overseas evidence that Good Samaritan overdose laws lead to more or riskier drug use.

Refusing this reform on those grounds is a bit like refusing to install fire sprinklers in case this may encourage people to play with fire. Overdose is a traumatising and dangerous event for the people who experience it and those who witness it. People who use drugs already actively try to avoid overdose; this is a failsafe for when things go very wrong.

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<sup>3</sup> McClellan, C., Lambdin, B. H., Ali, M. M., Mutter, R., Davis, C. S., Wheeler, E., Pemberton, M., & Kral, A. H. (2018). Opioid-overdose laws association with opioid use and overdose mortality. *Addictive Behaviors*, 86, 90–95.

<sup>4</sup> Hamilton, L., Davis, C. S., Kravitz-Wirtz, N., Ponicki, W., & Cerdá, M. (2021). Good Samaritan laws and overdose mortality in the United States in the fentanyl era. *The International Journal on Drug Policy*, 97, 103294.

<sup>5</sup> Nguyen, H., & Parker, B. R. (2018). Assessing the effectiveness of New York's 911 Good Samaritan Law — evidence from a natural experiment. *The International Journal on Drug Policy*, 58, 149–156.

<sup>6</sup> Moallem, S., & Hayashi, K. (2021). The effectiveness of drug-related Good Samaritan laws: A review of the literature. *The International Journal on Drug Policy*, 90, 102773.



## **Shouldn't we focus on education, addiction treatment or preventing young people from using drugs instead?**

There are many policy levers that are needed to be pulled to reduce the fatalities, and this law is just one of them. Education, prevention, early intervention, addiction treatment, and wider harm reduction interventions – these are all extremely important measures that are also desperately needed and seriously underfunded. However, the Good Samaritan overdose laws are designed as a failsafe switch to save lives when other measures have failed.

Importantly, an overdose or a serious, life-threatening reaction can happen in a person with no history of addiction, and it can even occur when a young person experiments with drugs for the first time in their life. The Bill could help ensure that they too would be more likely to receive life-saving help.

## **Won't bad faith actors or drug dealers take advantage of the Bill to avoid prosecution?**

No, the Bill only provides protection for a narrow list of low-level offences so actions like dealing drugs or non-drug offences will continue to be criminalised. The Bill does not remove criminal penalties for any offence outside of genuine emergency situations, and the caller is only protected if they act in good faith.

## **Isn't social supply essentially dealing drugs? Does the Bill enable drug dealing?**

Social sharing means non-commercial sharing of drugs among small groups of people where there is no commercial or similar incentive. This reflects the realistic scenario someone will be in in the case of OD or acute harm, with one person likely to have secured the substance(s) on behalf of the friend group.

Such situations are very different from the profit-driven supply of drugs. Including social sharing in the list of low-level offences reflects the reality that people who use drugs and are at risk of overdose, for example in party settings, use them socially and there is often an element of non-commercial sharing between groups of friends. Including protections from prosecution for social sharing can be an effective way to reinforce the sense of certainty that the person needing help, the caller or anyone assisting at the scene will not get in trouble with the law because the group of friends earlier shared some substances at a party. Similar to other offences that are included, protection from prosecution against social sharing only applies in genuine emergency – in all other circumstances social sharing remains an offence.

## **Shouldn't everyone just think about the person who needs help and call for help regardless of whether there is a risk that someone will get in trouble with the law?**

In an emergency, everyone should be trying to help the person in danger, and the law should work in a way that makes sure it is easier for people to make good split-second decisions.



Real-life circumstances of an overdose are often complicated, and that is why the law should ensure that anyone who witnesses an overdose can make the right decision without anyone suffering negative consequences from that.

In practice, fatal overdose circumstances can look benign, and the person may, for example, look like they just want to sleep. In such circumstances, it may seem to make sense to avoid risking getting anyone in trouble, and just letting them 'sleep it off'. People may be worried about getting the person who is experiencing the adverse reaction in trouble, not just themselves. This bill would remove some of the complicated considerations and encourage them to focus exclusively on the person's wellbeing.

## **Police already have discretion not to prosecute, why is a law change needed?**

The purpose of the Bill is not to reduce prosecutions but to reduce overdose deaths. What stops people calling for help is not the actual likelihood of being charged, but the uncertainty about whether they could be. Discretion does not provide the up-front guarantee that someone needs to make a split-second decision in an emergency. The Bill removes that uncertainty for a narrow, defined set of offences.

Good Samaritan overdose laws provide concrete reassurance to people trying to help an overdose victim that they won't be arrested for calling for help.

