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HOUSE OF REPRESENTATIVES
COMMONWEALTH *of* PENNSYLVANIA

House Democratic Policy Committee Hearing

Protecting Good Samaritans

Wednesday, March 11, 2025 | 12:00 p.m.

Representative Paul Friel, Representative Emily Kinkead

OPENING REMARKS
12:00 p.m. Rep. Paul Friel, D-Chester
Rep. Emily Kinkead, D-Allegheny

PANEL ONE
12:05 p.m. Rowan Price, Sophomore
Shippensburg University

Q & A with Legislators

PANEL TWO
12:30 p.m. Sara Jacobson, Executive Director
Public Defender Association of Pennsylvania

Q & A with Legislators

House Majority Policy Hearing HB 1944 & HB 1945

Chairpersons and Members of the Committee,

My name is Rowan Price. I am a sophomore college student studying to become a history teacher in the Commonwealth of Pennsylvania. I live in Chester County, and every summer I work with my grandparents on their beef farm in Bradford County. Upon graduating, I hope to continue my family's farming legacy and become a secondary education teacher.

Today, I'd like to share how events at Bloomsburg University last year jeopardized that future and how existing laws and university policy failed to protect my decision to step forward and provide aid to another student in need.

By stepping forward and providing aid, I was charged with *Recklessly Endangering Another Person*, a crime punishable by up to 2 years in prison for assisting my fellow student.

I am fortunate that my family helped secure an attorney to avoid prison time and having the charges expunged from my record. This charge, a misdemeanor II would have followed me for life. My families support came at a tremendous cost:

• Over $10,000 in legal and court fees

• My parents were forced to take time from work, and I missed classes to:

- Attend attorney meetings
- Attend a Bloomsburg University code of conduct meeting
- Attend a preliminary hearing
- And they joined me in the humiliation of being fingerprinted at the Columbia County Jail

The local newspaper published a front-page article, implying that I abandoned my fellow student in his time of need. This public trial in the court of public opinion, defamed my character and will remain online indefinitely.

I understand that many students do not have the safety net that was afforded by my family. Their lives could be permanently altered for stepping forward and providing aid.

Bloomsburg University offered no support. They told me the situation was "up to campus police." while I violated no law or campus policy. I had been thriving academically. I earned Dean's List, had strong relationships with my professors, and was looking forward to continuing at Bloomsburg. But because the university would not support me, and the officer who filed the charges is still there, I felt I had no choice except to transfer to Shippensburg University, losing part of my merit scholarship and further upending my life.

To make matters worse, after meetings with Bloomsburg University, the University had backed off its stance that I should be charged at all. Upon arriving at the preliminary hearing; however, the campus police officer arrived fully prepared to pursue the charges.

Apparently, the decision of the University was not relayed to the campus police officer. After contacting the Columbia County District Attorney, an agreement was reached to withdraw the charges only if I would complete 40 hours of community service. 40 hours of community service for stepping forward and doing what I believed was my duty as a human being. I felt completely abandoned by the university and our criminal justice system.

The student and his father were at the preliminary hearing and told us directly that there was no reason I should be charged for helping his son. They were both incredibly apologetic and at a loss as to why I would be charged for helping. But the DA and police did not care and in fact had called him as a witness to testify against me.

Our attorney warned us that rejecting the agreement and going to trial carried risk and even greater financial burden to pursue our day in court. We felt we had no real choice but to accept the community service.

I had already committed to a summer internship at McCarty Family Farm in Kansas, so I had to call my employer, explain this situation, and complete 40 hours of community service on top of my internship. This added another layer of stress, disruption, and punishment for stepping forward to help my fellow student.

Now, to understand why these bills are so important to me, I want to briefly summarize what happened on March 29, 2025.

Around 8:30 p.m., my girlfriend and I returned to Bloomsburg University after attending a 2-day Pennsylvania State Education Association (PSEA) Student conference for aspiring educators. She saw a student vomit in the dorm hallway at an open-air party in the dorm. The stomach bug was going around and thought it was due to this as he didn't appear intoxicated.

Later, this student entered my room at the other end of the dorm. He didn't seem intoxicated, just sick, so I asked him to leave to prevent others from getting sick.

Soon after, we heard a commotion. Students told us this student was in the bathroom throwing up. Inside, we found him covered in vomit. Several of us helped move him, clean him up, and roll him on his side so he wouldn't choke. Students became physically ill from the smell; eventually only a few of us remained. The students that were at the dorm party left to attend an off-campus party.

When he fell asleep, we sought help. The Resident Assistant (RA) listed as "in" was nowhere to be found. We went to the front desk twice. Only after repeated attempts did an RA and the Graduate Hall Director arrive and call campus police.

When officers arrived, one of the officers calmly asked questions. But Sgt. Allen repeatedly interrupted, misidentified the intoxicated student despite corrections, became agitated, and told us that "everything we did was wrong," even though the steps we took—placing him on his side, monitoring his breathing—are basic safety measures.

Sgt Allen required us to go to the police station after 11 p.m. to make statements. When my girlfriend asked whether we were in trouble for helping someone, he said, “I don’t know—we’ll see if you’re in trouble.”

At no time during these events did I consume any alcohol. I had only heard a commotion in the bathroom across from my dorm room and went to investigate. At no time was he left alone. We sought help from the RAs and front desk several times with no response. I stayed while first responders and police were on scene and answered questions.

Weeks later, I received a Summons for Criminal Case from the Commonwealth of Pennsylvania for Recklessly Endangering Another Person.

Members of the Committee: students stepping forward, doing the right thing, should not fear punishment, arrest, financial ruin, or the loss of future employment.

If I had simply closed my door and turned my back on my fellow student, I would not be here before you today.

HB 1944 and 1945 would ensure that:

• Students acting in good faith receive Good Samaritan protections

• Campus response systems are reliable and accountable

• Helping a peer in danger is never treated as a criminal act

If these bills had existed last year, my life might not have been derailed. I would still be thriving at Bloomsburg University.

I urge you to move HB 1944 and HB 1945 forward—so no student in this Commonwealth loses their future simply for helping someone who needed them.

Thank you for your time and for hearing my story.

WRITTEN TESTIMONY FROM THE
PUBLIC DEFENDER ASSOCIATION OF PENNSYLVANIA (PDAP)
On HB 1945 (PN 2454)

March 11, 2026

The Public Defender Association of Pennsylvania (PDAP) supports HB 1945 (PN 2454) as a smart way to keep Pennsylvanians safe. No one who helps someone experiencing an overdose should be prosecuted for doing so. HB 1945 offers broader protections and encourages good Samaritans to reach out for help by removing the threat of prosecution for reckless endangerment of another person (REAP) for good-faith, genuine efforts to seek help for an overdose.

PDAP is in a position to understand both the breadth of the impact of substance use disorder and the impact of criminalizing those who would call for help. We are a non-profit association whose membership includes more than a thousand Public Defenders employed in Pennsylvania's Public Defender offices, representing both youth and adults in Pennsylvania's justice system. PDAP is dedicated to securing a fair justice system and ensuring high quality legal representation for people facing loss of life, freedom, or family. Our mission is to provide tools, strategies, mutual support, training, and information to Public Defender Offices; to be the voice of public defense; and to promote best practices in the leadership, management, and administration of justice in Pennsylvania.

We thank you for the opportunity to provide our positions on HB 1945. If you would like to discuss the below further or have any questions, please contact PDAP Executive Director Sara Jacobson at Sara@papublicdefenders.com.

HOUSE BILL 1945 (PN 2454)

WHAT THE BILL DOES

HB 1945 amends the drug overdose response immunity provision of the controlled substance act (35 P.S. §780-113.7), to add immunity for the offense of recklessly endangering another person (18 PA C.S. §2705), in limited circumstances. This

immunity only applies if the person transports someone experiencing overdose to law enforcement campus security, or a health care facility or if they report the overdose event AND they reasonably believe the person overdosing needs immediate medical attention to prevent death AND the reporter provides their name and location AND cooperates with response personnel AND the reporter remains with the person who overdosed until the agency reported to arrives.

WHY PDAP SUPPORTS IT

HB 1945 encourages people to help one another when someone overdoses. Too many people in Pennsylvania die from drug overdoses. In 2024, 3,341 Pennsylvanians died from a drug overdose.[1] While this is a substantial decrease from recent years, the Pennsylvania Office of Drug Surveillance and Misuse Prevention estimated that in 2024, every three hours a person in Pennsylvania died from a drug overdose.[2] The Attorney General lists opioids as Pennsylvania's number one public health and public safety crisis.[3] This tells us that even as the worst of the opioid crises recedes, there is still work to do.

This bill would prevent someone who calls for medical help from first responders for a potential overdose from being prosecuted for the offense of reckless endangerment, in limited circumstances, under Pennsylvania's drug overdose response immunity law. An overdose is an emergency situation, and the last thing someone trying to get help should worry about is whether they will be prosecuted for doing so. This bill lessens that potential deterrence, encouraging calls to 911 and increasing the chance that medical care will save lives.

In doing so it modestly shrinks the crimes code, which PDAP supports.

WAYS TO IMPROVE THE BILL

The drug overdose response immunity provision is limited to specific subsections of the controlled substance act, specifically:

- subsection 5, which involves drug labeling,

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[1] *Drug Overdose Surveillance Interactive Data Report*, Pennsylvania Office of Drug Surveillance and Misuse Prevention (last accessed March, 2026). Available at: https://public.tableau.com/app/profile/pennsylvania.pdmp/viz/PennsylvaniaODSMPDrugOverdoseSurveillanceInteractiveDataReport/Contents.

[2] *Id*.

[3] *Opioid Battle*, Office of the Attorney General, Davd W. Sunday Jr., (last accessed March, 2026). Available at: https://www.attorneygeneral.gov/protect-yourself/opioid-battle/.

- subsection 16, which involves knowing and intentional possession of a controlled substance,
- subsection 19, which involves purchasing controlled substances,
- subsection 31, which involves a small amount of marijuana,
- subsection 32, which involves possession of drug paraphernalia,
- subsection 33, which involves possession of drug paraphernalia with the intent to deliver it, and
- subsection 37, which involves 30 doses or less of anabolic steroids.

We recommend adding language that would provide immunity for subsection 30 of the controlled substance act, which involves possession with intent to deliver, under the limited circumstance of joint acquisition (sometimes referred to as joint purchase) when people purchase drugs to use together. This is a common scenario where help is immediately available- when two people buy drugs to share together, and one person uses too much, accidentally overdosing. When this happens, someone is immediately available to call for help, but also likely deterred if they fear prosecution for procuring and sharing the drugs.

As drafted and as interpreted by Pennsylvania's courts, "delivery" of a controlled substance, prohibited by 35 P.S. §780-113(30), includes a transfer of drugs from one person or another, regardless of whether money is conveyed. This arguably includes sharing. But the courts have also, at times, condoned the idea that transfer between joint purchasers of drugs should be treated differently.[4] The idea is that if people jointly acquire drugs, they also jointly possess them, and one cannot deliver something one already possesses. This statute would do more good by broadening immunity to also include 35 P.S. §780-113(30) if a court also determined that the controlled substance was transferred to a joint purchaser.[5]

PDAP thanks you for the opportunity to provide our position, and we wholeheartedly support the bill.

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[4] In a non-precedential decision, thus persuasive but not binding authority, the Superior Court granted dismissal of a case in a habeas corpus proceeding both because the prosecution failed to file its Pa. R.A.P. §1925(b) statement on appeal and on the merits of the lower court decision. The court found that even viewing all reasonable inferences in favor of the prosecution, one of the joint purchasers in the case should be afforded immunity from prosecution for delivery of a controlled substance, *inter alia*, when one joint purchaser transferred heroin and fentanyl to another. *Commonwealth v. Brown*, 297 A.3d 755 (Pa. Super. 2023).

[5] New Jersey courts use a five-part totality of the circumstances test to determine joint possession. *See State v. Morrison,* 902 A.2d 860 (N.J. 2006).