AN ACT RELATING TO FOOD AND DRUGS - THE GOOD SAMARITAN OVERDOSE PREVENTION ACT OF 2016

Introduced By: Representatives Craven, Keable, Fogarty, DeSimone, and Marshall

Date Introduced: January 06, 2016
Referred To: House Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Title 21 of the General Laws entitled “FOOD AND DRUGS” is hereby amended by adding thereto the following chapter:

CHAPTER 28.9

THE GOOD SAMARITAN OVERDOSE PREVENTION ACT OF 2016

21-28.9-1. Short title. – This chapter shall be known and may be cited as “The Good Samaritan Overdose Prevention Act of 2016”.

21-28.9-2. Definition. – “Opioid antagonist” means a drug which is a competitive antagonist that binds to the opioid receptors with higher affinity than agonists but does not activate the receptors, effectively blocking the receptor, preventing the human body from making use of opiates and endorphins.

21-28.9-3. Authority to administer opioid antagonists – Release from liability. – (a) A person may administer an opioid antagonist to another person if:

(1) They, in good faith, believe the other person is experiencing a drug overdose; and
(2) They act with reasonable care in administering the drug to the other person.

(b) A person who administers an opioid antagonist to another person pursuant to this section shall not be subject to civil liability or criminal prosecution as a result of the administration of the drug.

21-28.9-4. Emergency overdose care – Immunity from legal repercussions. – (a) Any
person who, in good faith, without malice and in the absence of evidence of an intent to defraud
seeks medical assistance for someone experiencing a drug overdose or other drug-related medical
emergency shall not be charged or prosecuted for any crime related to the possession of a
controlled substance or drug paraphernalia, or the operation of a drug-involved premises, if the
evidence for the charge was gained as a result of the seeking of medical assistance.

(b) A person who experiences a drug overdose or other drug-related medical emergency
and is in need of medical assistance shall not be charged or prosecuted for any crime related to
the possession of a controlled substance or drug paraphernalia, or the operation of a drug-
involved premises, if the evidence for the charge was gained as a result of the overdose and the
need for medical assistance.

(c) The act of providing first aid or other medical assistance to someone who is
experiencing a drug overdose or other drug-related medical emergency may be used as a
mitigating factor in a criminal prosecution pursuant to the controlled substances act.

(d) The immunity related to the possession of a controlled substance or drug
paraphernalia, or the operation of a drug-involved premises afforded under this section shall also
extend to a violation of probation and/or parole on those grounds.

21-28.9-5. Law enforcement reports. – In the first week of January, 2017, and each year
thereafter, the attorney general shall, in cooperation with local law enforcement agencies and the
state police, submit to the general assembly a report summarizing the impact of this chapter on
law enforcement. The report shall include any incidents in which a law enforcement agency was
barred, due to the immunity provisions of §21-28.9-4, from charging or prosecuting a person
under chapters 28 and 28.5 of this title who would have otherwise been so charged or prosecuted,
and indicating whether the person was charged with, or prosecuted for, any other criminal offense
resulting from the agency's response to the request for medical assistance.

SECTION 2. This act shall take effect upon passage.
This act would create "The Good Samaritan Overdose Prevention Act of 2016" which would exempt from liability any person who administers an opioid antagonist to another person to prevent a drug overdose. It would further provide immunity for violations of probation and/or parole for those persons who in good faith, seek medical assistance for a person experiencing a drug overdose.

This act would take effect upon passage.