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LC00761/SUB A/6
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO FOOD AND DRUGS - GOOD SAMARITAN OVERDOSE PREVENTION
ACT

Introduced By: Representatives Ferri, Bennett, Edwards, Marcello, and Valencia

Date Introduced: January 25, 2012

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

3 CHAPTER 28.8

4 THE GOOD SAMARITAN OVERDOSE PREVENTION ACT

5 **21-28.8-1. Short title.** – This chapter shall be known and may be cited as “The Good
6 Samaritan Overdose Prevention Act”.

7 **21-28.8-2. Definition.** – “Opioid antagonist” is a drug which is a competitive antagonist
8 that binds to the opioid receptors with higher affinity than agonists but does not activate the
9 receptors, effectively blocking the receptor, preventing the human body from making use of
10 opiates and endorphins.

11 **21-28.8-3. Authority to administer opioid antagonists – Release from liability.** – (a)
12 A person may administer an opioid antagonist to another person if:

13 (1) He or she, in good faith, believes the other person is experiencing a drug overdose;
14 and

15 (2) He or she acts with reasonable care in administering the drug to the other person.

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

1 **21-28.8-4. Emergency overdose care – Immunity from legal repercussions.** – (a) Any
2 person who, in good faith, without malice and in the absence of evidence of an intent to defraud,
3 seeks medical assistance for someone experiencing a drug overdose or other drug-related medical
4 emergency shall not be charged or prosecuted for any crime under RIGL 21-28 or 21-28.5, except
5 for a crime involving the manufacture or possession with the intent to manufacture a controlled
6 substance or possession with intent to deliver a controlled substance, if the evidence for the
7 charge was gained as a result of the seeking of medical assistance.

8 (b) A person who experiences a drug overdose or other drug-related medical emergency
9 and is in need of medical assistance shall not be charged or prosecuted for any crime under RIGL
10 21-28 or 21-28.5, except for a crime involving the manufacture or possession with the intent to
11 manufacture a controlled substance or possession with intent to deliver a controlled substance, if
12 the evidence for the charge was gained as a result of the overdose and the need for medical
13 assistance.

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

17 **21-28.8-5. Law enforcement reports.** – In the first week of January, 2013 and each year
18 thereafter, the attorney general shall, in cooperation with local law enforcement agencies and the
19 state police, submit to the general assembly a report summarizing the impact of this chapter on
20 law enforcement. The report shall include any incidents in which a law enforcement agency was
21 barred, due to the immunity provisions of subsection 21-28.8-4(a), from charging or prosecuting a
22 person under Rhode Island general law 21-28 or 21-28.5 who would have otherwise been so
23 charged or prosecuted, and indicating whether the person was charged with, or prosecuted for,
24 any other criminal offense resulting from the agency's response to the request for medical
25 assistance.

26 SECTION 2. This act shall take effect upon passage and shall expire on July 1, 2015.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO FOOD AND DRUGS - GOOD SAMARITAN OVERDOSE PREVENTION
ACT

1 This act would create “The Good Samaritan Overdose Prevention Act” which would
2 exempt from liability any person who administers an opioid antagonist to another person to
3 prevent a drug overdose.

4 This act would take effect upon passage and would expire on July 1, 2015.

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