

2012 -- H 7248

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LC00761
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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, seeks medical assistance for someone experiencing a drug overdose or
3 other drug-related medical emergency shall not be charged or prosecuted for any crime related to
4 the possession or delivery of a controlled substance or drug paraphernalia, or the operation of a
5 drug-involved premises if the evidence for the charge was gained as a result of the seeking of
6 medical assistance.

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

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

15 SECTION 2. This act shall take effect upon passage.

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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.

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