

2014 -- S 2883 SUBSTITUTE A

LC005195/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

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

Introduced By: Senators McCaffrey, Jabour, Miller, Lynch, and Metts

Date Introduced: April 09, 2014

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 21-28.8-4 of the General Laws in Chapter 21-28.8 entitled "The
2 Good Samaritan Overdose Prevention Act" is hereby amended to read as follows:

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

12 (b) A person who experiences a drug overdose or other drug-related medical emergency
13 and is in need of medical assistance shall not be charged or prosecuted for any crime ~~under RIGL~~
14 ~~21-28 or 21-28.5, except for a crime involving the manufacture or possession with the intent to~~
15 ~~manufacture a controlled substance or possession with intent to deliver a controlled substance,~~
16 related to the possession or delivery of a controlled substance or drug paraphernalia, or the
17 operation of a drug-involved premises, if the evidence for the charge was gained as a result of the
18 overdose and the need for medical assistance.

1 (c) The immunity afforded under this section shall also be considered a complete defense
2 both as to any criminal charge brought and to any violation of probation and/or parole that may
3 result.

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

7 SECTION 2. Section 2 of Chapter 251 of the 2012 Public Laws entitled "An Act Relating
8 to Food and Drugs - Good Samaritan Overdose Prevention Act" is hereby amended to read as
9 follows:

10 Section 2. This act shall take effect upon passage ~~and shall expire on July 1, 2015.~~

11 SECTION 3. Section 2 of Chapter 263 of the 2012 Public Laws entitled "An Act Relating
12 to Food and Drugs - Good Samaritan Overdose Prevention Act" is hereby amended to read as
13 follows:

14 Section 2. This act shall take effect upon passage ~~and shall expire on July 1, 2015.~~

15 SECTION 4. 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 - THE GOOD SAMARITAN OVERDOSE
PREVENTION ACT

1 This act would broaden the immunity from prosecution for drug offenses afforded under
2 the Good Samaritan Overdose Protection Act to a person who in good faith seeks medical
3 assistance for a person experiencing a drug overdose.

4 This act would also repeal the sunset provision for the Good Samaritan Overdose
5 Prevention Act, so that it would not expire on July 1, 2015.

6 This act would take effect upon passage.

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