

2018 -- H 7305

LC003798

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

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

Introduced By: Representatives Marshall, Bennett, O'Brien, Diaz, and Slater

Date Introduced: January 25, 2018

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 21-28.9-4 and 21-28.9-5 of the General Laws in Chapter 21-28.9
2 entitled "The Good Samaritan Overdose Prevention Act of 2016" are hereby amended to read as
3 follows:

4 **21-28.9-4. Emergency overdose care -- Immunity from legal repercussions.**

5 (a) Any person who, in good faith, without malice and in the absence of evidence of an
6 intent to defraud, seeks medical assistance for someone experiencing a drug or alcohol overdose
7 or other drug- or alcohol-related medical emergency shall not be charged or prosecuted for any
8 crime related to the possession of a controlled substance or drug paraphernalia, possession or
9 transportation of alcohol by an underage person, or the operation of a drug-involved premises, if
10 the evidence for the charge was gained as a result of the seeking of medical assistance.

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

17 (c) The act of providing first aid or other medical assistance to someone who is
18 experiencing a drug or alcohol overdose or other drug- or alcohol-related medical emergency may

1 be used as a mitigating factor in a criminal prosecution pursuant to the controlled substances act.

2 (d) The immunity related to the possession of a controlled substance or drug
3 paraphernalia, [possession or transportation of alcohol by an underage person](#), or the operation of a
4 drug-involved premises afforded under this section shall also extend to a violation of probation
5 and/or parole on those grounds.

6 **21-28.9-5. Law enforcement reports.**

7 In the first week of January, 2017, and each year thereafter, the attorney general shall, in
8 cooperation with local law enforcement agencies and the state police, submit to the general
9 assembly a report summarizing the impact of this chapter on law enforcement. The report shall
10 include any incidents in which a law enforcement agency was barred, due to the immunity
11 provisions of § 21-28.9-4, from charging or prosecuting a person under chapters 28 and 28.5 of
12 this title, [and under §3-8-9 or §3-8-10](#), who would have otherwise been so charged or prosecuted,
13 and indicating whether the person was charged with, or prosecuted for, any other criminal offense
14 resulting from the agency's response to the request for medical assistance.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would add alcohol and alcohol-related overdoses and possession or
2 transportation of alcohol by an underage person, to the Good Samaritan Overdose Prevention Act.
3 This act would take effect upon passage.

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