

2021 -- H 5397

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

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

Introduced By: Representatives Craven, and Shanley

Date Introduced: February 05, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

3 ~~21-28.9-4. Emergency overdose care -- Immunity from legal repercussions.~~
4 **Emergency overdose care and medical assistance – 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 or
7 other drug- or alcohol-related medical emergency or any other medical emergency unrelated to a
8 drug or alcohol overdose, shall not be arrested or charged or prosecuted for any crime related to the
9 possession 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 assistance.

11 (b) A person who experiences a drug or alcohol overdose or other drug- or alcohol-related
12 medical emergency and is in need of medical assistance shall not be arrested or charged or
13 prosecuted for any crime related to the possession of a controlled substance or drug paraphernalia,
14 possession or transportation of alcohol by an underage person, or the operation of a drug-involved
15 premises, if the evidence for the charge was gained as a result of the overdose and the need for
16 medical 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 paraphernalia,
3 possession or transportation of alcohol by an underage person, or the operation of a drug-involved
4 premises afforded under this section shall also extend to a violation of probation and/or parole on
5 those grounds.

6 SECTION 2. Section 36-14-5 of the General Laws in Chapter 36-14 entitled "Code of
7 Ethics" is hereby amended to read as follows:

8 **36-14-5. Prohibited activities.**

9 (a) No person subject to this code of ethics shall have any interest, financial or otherwise,
10 direct or indirect, or engage in any business, employment, transaction, or professional activity, or
11 incur any obligation of any nature, which is in substantial conflict with the proper discharge of his
12 or her duties or employment in the public interest and of his or her responsibilities as prescribed in
13 the laws of this state, as defined in § 36-14-7.

14 (b) No person subject to this code of ethics shall accept other employment which will either
15 impair his or her independence of judgment as to his or her official duties or employment or require
16 him or her, or induce him or her, to disclose confidential information acquired by him or her in the
17 course of and by reason of his or her official duties.

18 (c) No person subject to this code of ethics shall willfully and knowingly disclose, for
19 pecuniary gain, to any other person, confidential information acquired by him or her in the course
20 of and by reason of his or her official duties or employment or use any information for the purpose
21 of pecuniary gain.

22 (d) No person subject to this code of ethics shall use in any way his or her public office or
23 confidential information received through his or her holding any public office to obtain financial
24 gain, other than that provided by law, for him or herself or any person within his or her family, any
25 business associate, or any business by which the person is employed or which the person represents.

26 (e) No person subject to this code of ethics shall:

27 (1) Represent him or herself before any state or municipal agency of which he or she is a
28 member or by which he or she is employed. In cases of hardship, the ethics commission may permit
29 such representation upon application by the official provided that he or she shall first:

30 (i) Advise the state or municipal agency in writing of the existence and the nature of his or
31 her interest in the matter at issue;

32 (ii) Recuse him or herself from voting on or otherwise participating in the agency's
33 consideration and disposition of the matter at issue; and

34 (iii) Follow any other recommendations the ethics commission may make to avoid any

1 appearance of impropriety in the matter.

2 (2) Represent any other person before any state or municipal agency of which he or she is
3 a member or by which he or she is employed.

4 (3) Act as an expert witness before any state or municipal agency of which he or she is a
5 member or by which he or she is employed with respect to any matter the agency's disposition of
6 which will or can reasonably be expected to directly result in an economic benefit or detriment to
7 him or herself, or any person within his or her family, or any business associate of the person, or
8 any business by which that person is employed or which the person represents.

9 (4) Shall engage in any of the activities prohibited by subsection (e)(1), (e)(2), or (e)(3) of
10 this section for a period of one year after he or she has officially severed his or her position with
11 said state or municipal agency; provided, however, that this prohibition shall not pertain to a matter
12 of public record in a court of law.

13 (f) No business associate of any person subject to this code of ethics shall represent him or
14 herself or any other person, or act as an expert witness before the state or municipal agency of
15 which the person is a member or by which the person is employed unless:

16 (1) He or she shall first advise the state or municipal agency of the nature of his or her
17 business relationship with the person subject to this code of ethics; and

18 (2) The person subject to this code of ethics shall recuse him or herself from voting on or
19 otherwise participating in the agency's consideration and disposition of the matter at issue.

20 (g) No person subject to this code of ethics, or spouse (if not estranged), dependent child,
21 or business associate of the person, or any business by which the person is employed or which the
22 person represents, shall solicit or accept any gift, loan, political contribution, reward, or promise of
23 future employment based on any understanding that the vote, official action, or judgment of the
24 person would be influenced thereby.

25 (h) No person subject to this code of ethics, or any person within his or her family or
26 business associate of the person, or any business entity in which the person or any person within
27 his or her family or business associate of the person has a ten percent (10%) or greater equity
28 interest or five thousand dollars (\$5,000) or greater cash value interest, shall enter into any contract
29 with any state or municipal agency unless the contract has been awarded through an open and public
30 process, including prior public notice and subsequent public disclosure of all proposals considered
31 and contracts awarded; provided, however, that contracts for professional services which have been
32 customarily awarded without competitive bidding shall not be subject to competitive bidding if
33 awarded through a process of public notice and disclosure of financial details.

34 (i) No person shall give or offer to any person covered by this code of ethics, or to any

1 candidate for public office, or to any person within his or her family or business associate of any
2 person, or to any business by which the person is employed or which the person represents, any
3 gift, loan, political contribution, reward, or promise of future employment based on any
4 understanding or expectation that the vote, official action, or judgment of the person would be
5 influenced thereby.

6 (j) No person shall use for any commercial purpose information copied from any statements
7 required by this chapter or from lists compiled from the statements.

8 (k) No person shall knowingly and willfully make a false or frivolous complaint under this
9 chapter.

10 (l) No candidate for public office, or any person within his or her family, business associate
11 of the candidate, or any business by which the candidate is employed or which the candidate
12 represents, shall solicit or accept any gift, loan, political contribution, reward, or promise of future
13 employment based on any understanding that the vote, official action, or judgment of the candidate
14 would be influenced thereby.

15 (m) No person subject to this code of ethics shall, either directly or indirectly, through any
16 government agency, or through a business associate, or through any other person, threaten or
17 intimidate any complainant or witness or any family member of any complainant or witness in any
18 proceeding before the state ethics commission.

19 (1) In addition to any rights a complainant or witness may have under the Rhode Island
20 Whistleblowers' Protection Act, chapter 50 of title 28 or under any other statute, a complainant or
21 witness may bring a civil action in superior court for appropriate injunctive relief, or actual
22 damages, or both and attorney's fees within three (3) years after the occurrence of the alleged
23 violation of subsection (m) above.

24 (2) The initiation of litigation by a complainant or witness pursuant to subsection (m)(1)
25 shall not constitute a violation of any confidentiality provisions of this chapter.

26 (n)(1) No state elected official, while holding state office and for a period of one year after
27 leaving state office, shall seek or accept employment with any other state agency, as defined in §
28 36-14-2(8)(i), other than employment which was held at the time of the official's election or at the
29 time of enactment of this subsection, except as provided herein.

30 (2) Nothing contained herein shall prohibit any general officer or the general assembly
31 from appointing any state elected official to a senior policy-making, discretionary, or confidential
32 position on the general officer's or the general assembly's staff, and in the case of the governor, to
33 a position as a department director; nor shall the provisions herein prohibit any state elected official
34 from seeking or accepting a senior policy-making, discretionary, or confidential position on any

1 general officer's or the general assembly's staff, or from seeking or accepting appointment as a
2 department director by the governor.

3 (3) Nothing contained herein shall prohibit a state elected official from seeking or being
4 elected for any other constitutional office.

5 (4) Nothing contained herein shall prohibit the Rhode Island ethics commission from
6 authorizing exceptions to this subsection where such exemption would not create an appearance of
7 impropriety.

8 (o)(1) No person holding a senior policy-making, discretionary, or confidential position on
9 the staff of any state elected official or the general assembly shall seek or accept any other
10 employment by any state agency as defined in § 36-14-2(8)(i), while serving as such policy-
11 making, discretionary, or confidential staff member and for a period of one year after leaving that
12 state employment as a member of the state elected official's or the general assembly's senior policy-
13 making, discretionary, or confidential staff.

14 (2) Notwithstanding the foregoing, a person holding a senior policy-making, discretionary,
15 or confidential staff position who has a minimum of five (5) years of uninterrupted state service
16 shall be exempt from the provisions of this section. "State service" as used herein means service in
17 the classified, unclassified and nonclassified services of the state, but shall not include service in
18 any state elective office.

19 (3) Nothing contained herein shall prohibit any general officer or the general assembly
20 from appointing any such senior policy-making, discretionary, or confidential member of the staff
21 of any state elected official or the general assembly to any other senior policymaking, discretionary,
22 or confidential position on any general officer's or the general assembly's staff, and in the case of
23 the governor, to a position as a department director; nor shall the provisions hereof prohibit any
24 senior policy-making, discretionary, or confidential member of the staff of any state elected official
25 or the general assembly from seeking or accepting any other senior policy-making, discretionary,
26 or confidential position on any general officer's or the general assembly's staff, or from seeking or
27 accepting appointment as a department director by the governor.

28 (4) Nothing contained herein shall prohibit a person holding a senior policy-making,
29 discretionary, or confidential staff position from seeking or being elected for any constitutional
30 office.

31 (5) Nothing contained herein shall prohibit the Rhode Island ethics commission from
32 authorizing exceptions to this subsection where such exemption would not create an appearance of
33 impropriety.

34 [\(p\) No person or government department or entity subject to this code of ethics shall fail](#)

1 [to timely file any report or study that they were required to file, by state statute.](#)

2 SECTION 3. 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 PREVENTION ACT OF
2016

1 This act would provide immunity from legal repercussions for persons who seek medical
2 assistance for someone experiencing a medical emergency and would also subject governmental
3 entities required to submit timely reports per state statute, to a code of ethics' violation.

4 This act would take effect upon passage.

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