

2022 -- S 2213

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LC004244
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

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

Introduced By: Senators Euer, Miller, Murray, Valverde, and Seveney

Date Introduced: February 08, 2022

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 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 **Emergency overdose care and medical assistance -- Immunity from legal repercussions.**

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

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

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

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

8 (e) Any information or intelligence gained from a police encounter or investigation from a
9 suspected drug overdose or medical emergency, in which the call was without malice and in the
10 absence of evidence of an intent to defraud, cannot be used for police or judicial investigations.

11 (f) The protection from arrest shall extend to arrests related to warrants against any person
12 for failure to appear or comply with a court order, or for failure to make payment of a court ordered
13 fine, civil assessment, or order of restitution as defined in chapter 6 of title 12.

14 **21-28.9-5. Law enforcement reports.**

15 In the first week of ~~January, 2017,~~ February, 2023, and each year thereafter, the attorney
16 general shall, in cooperation with local law enforcement agencies and the state police, submit to
17 the general assembly a report summarizing the impact of this chapter on law enforcement. The
18 report shall include any incidents in which a law enforcement agency was barred, due to the
19 immunity provisions of § 21-28.9-4, from charging or prosecuting a person under chapters 28 and
20 28.5 of this title, and under § 3-8-9 or § 3-8-10, who would have otherwise been so charged or
21 prosecuted, and indicating whether the person was charged with, or prosecuted for, any other
22 criminal offense resulting from the agency's response to the request for medical assistance.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO FOOD AND DRUGS - THE GOOD SAMARITAN OVERDOSE
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1 This act would amend "The Good Samaritan Overdose Prevention Act of 2016" and would
2 provide immunity for people who, in good faith, seek medical assistance for people experiencing
3 medical emergencies in addition to drug overdoses. It would provide immunity to people from
4 possession or delivery. It would also protect people against arrest, including from warrants for
5 failure to appear or failure to make a court appearance, in addition to charges and prosecution. It
6 prohibits evidence found during a medical call from being used in future police investigations. It
7 extends the reporting deadline from law enforcement from January to February.

8 This act would take effect upon passage.

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