

2014 -- S 2883

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LC005195
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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. Pub. L. 2012, Ch. 251, entitled "An Act Relating to Food and Drugs – Good
2 Samaritan Overdose Prevention Act" is hereby amended to read as follows:

3 ~~It is enacted by the General Assembly as follows: SECTION 1. Title 21 of the General~~
4 ~~Laws in Chapter 21-28-8 entitled "FOOD AND DRUGS" is hereby amended by adding thereto~~
5 ~~the following chapter:~~

6 SECTION 1. Chapter 21-28.8 of the General Laws entitled "THE GOOD SAMARITAN
7 OVERDOSE PREVENTION ACT" is hereby amended to read as follows:

8 CHAPTER 28.8

9 THE GOOD SAMARITAN OVERDOSE PREVENTION ACT

10 21-28.8-1. Short title. -- This chapter shall be known and may be cited as "The Good
11 Samaritan Overdose Prevention Act".

12 21-28.8-2. Definition. – "Opioid antagonist" is a drug which is a competitive antagonist
13 that binds to the opioid receptors with higher affinity than agonists but does not activate the
14 receptors, effectively blocking the receptor, preventing the human body from making use of
15 opiates and endorphins.

16 21-28.8-3. Authority to administer opioid antagonists – Release from liability. -- (a)

17 A person may administer an opioid antagonist to another person if:

18 (1) He or she, in good faith, believes the other person is experiencing a drug overdose;

1 and

2 (2) He or she acts with reasonable care in administering the drug to the other person.

3 (b) A person who administers an opioid antagonist to another person pursuant to this
4 section shall not be subject to civil liability or criminal prosecution as a result of the
5 administration of the drug.

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

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

19 [\(c\) The immunity afforded under this section shall extend to any violation of probation](#)
20 [and/or parole if the evidence for the charge was gained as a result of the seeking of medical](#)
21 [assistance.](#)

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

25 **21-28.8-5. Law enforcement reports.** -- In the first week of January, 2013 and each year
26 thereafter, the attorney general shall, in cooperation with local law enforcement agencies and the
27 state police, submit to the general assembly a report summarizing the impact of this chapter on
28 law enforcement. The report shall include any incidents in which a law enforcement agency was
29 barred, due to the immunity provisions of ~~subsection~~ [§](#) 21-28.8-4(a), from charging or
30 prosecuting a person under ~~Rhode Island general law~~ [chapters](#) 21-28 or 21-28.5 who would have
31 otherwise been so charged or prosecuted, and indicating whether the person was charged with, or
32 prosecuted for, any other criminal offense resulting from the agency's response to the request for
33 medical assistance.

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

1 Section 2. Pub. L. 2012, Ch. 263, entitled "An Act Relating to Food and Drugs – Good
2 Samaritan Overdose Prevention Act" is hereby amended to read as follows:

3 ~~It is enacted by the General Assembly as follows: SECTION 1. Title 21 of the General~~
4 ~~Laws in Chapter 21-28-8 entitled "FOOD AND DRUGS" is hereby amended by adding thereto~~
5 ~~the following chapter:~~

6 SECTION 1. Chapter 21-28.8 of the General Laws entitled "THE GOOD SAMARITAN
7 OVERDOSE PREVENTION ACT" is hereby amended to read as follows:

8 CHAPTER 28.8

9 THE GOOD SAMARITAN OVERDOSE PREVENTION ACT

10 **21-28.8-1. Short title.** -- This chapter shall be known and may be cited as "The Good
11 Samaritan Overdose Prevention Act".

12 **21-28.8-2. Definition.** -- "Opioid antagonist" is a drug which is a competitive antagonist
13 that binds to the opioid receptors with higher affinity than agonists but does not activate the
14 receptors, effectively blocking the receptor, preventing the human body from making use of
15 opiates and endorphins.

16 **21-28.8-3. Authority to administer opioid antagonists – Release from liability.** -- (a)
17 A person may administer an opioid antagonist to another person if:

18 (1) He or she, in good faith, believes the other person is experiencing a drug overdose;
19 and

20 (2) He or she acts with reasonable care in administering the drug to the other person.

21 (b) A person who administers an opioid antagonist to another person pursuant to this
22 section shall not be subject to civil liability or criminal prosecution as a result of the
23 administration of the drug.

24 **21-28.8-4. Emergency overdose care – Immunity from legal repercussions.** -- (a) Any
25 person who, in good faith, without malice and in the absence of evidence of an intent to defraud
26 seeks medical assistance for someone experiencing a drug overdose or other drug-related medical
27 emergency shall not be charged or prosecuted for any crime under ~~RIGL~~ [chapters](#) 21-28 or 21-
28 28.5, except for a crime involving the manufacture or possession with the intent to manufacture a
29 controlled substance or possession with intent to deliver a controlled substance, if the evidence
30 for the charge was gained as a result of the seeking of medical assistance.

31 (b) A person who experiences a drug overdose or other drug-related medical emergency
32 and is in need of medical assistance shall not be charged or prosecuted for any crime under ~~RIGL~~
33 [chapters](#) 21-28 or 21-28.5, except for a crime involving the manufacture or possession with the
34 intent to manufacture a controlled substance or possession with intent to deliver a controlled

1 substance, if the evidence for the charge was gained as a result of the overdose and the need for
2 medical assistance.

3 (c) The immunity afforded under this section shall extend to any violation of probation
4 and/or parole if the evidence for the charge was gained as a result of the seeking of medical
5 assistance.

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

9 **21-28.8-5. Law enforcement reports. --** In the first week of January, 2013 and each year
10 thereafter, the attorney general shall, in cooperation with local law enforcement agencies and the
11 state police, submit to the general assembly a report summarizing the impact of this chapter on
12 law enforcement. The report shall include any incidents in which a law enforcement agency was
13 barred, due to the immunity provisions of ~~subsection~~ § 21-28.8-4(a), from charging or
14 prosecuting a person under ~~Rhode Island general law chapters~~ chapters 21-28 or 21-28.5 who would have
15 otherwise been so charged or prosecuted, and indicating whether the person was charged with, or
16 prosecuted for, any other criminal offense resulting from the agency's response to the request for
17 medical assistance.

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

19 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 OVERDOSE
PREVENTION ACT

1 This act would amend two chapters of the 2012 Public Laws by repealing the sunset
2 provision of July 1, 2015 as the expiration date of the "Good Samaritan Overdose Prevention
3 Act".

4 This act would take effect upon passage.

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