

2016 -- S 2976

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LC005807  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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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 McCaffrey, Miller, Metts, Nesselbush, and Archambault

Date Introduced: May 10, 2016

Referred To: Senate 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 Protection Act of 2016" is hereby amended as follows:

3           **21-28.9-4. 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 related to the possession [or delivery](#)  
7 of a controlled substance or drug paraphernalia, or the operation of a drug-involved premises, if  
8 the evidence for the charge was gained as a result of the seeking of medical assistance.

9           (b) A person who experiences a drug overdose or other drug-related medical emergency  
10 and is in need of medical assistance shall not be charged or prosecuted for any crime related to  
11 the possession [or delivery](#) of a controlled substance or drug paraphernalia, or the operation of a  
12 drug-involved premises, if the evidence for the charge was gained as a result of the overdose and  
13 the need for medical assistance.

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

17           (d) The immunity related to the possession [or delivery](#) of a controlled substance or drug  
18 paraphernalia, or the operation of a drug-involved premises afforded under this section shall also

1 extend to a violation of probation and/or parole on those grounds.

2 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 provide immunity from criminal prosecution for any crime relating to the  
2 delivery of a controlled substance if the evidence for the charge was gained as a result of the  
3 seeking or providing of medical assistance for a person experiencing a drug overdose.

4           This act would take effect upon passage.

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