

1 AN ACT relating to assistance with a drug overdose.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 218A.133 is amended to read as follows:

4 (1) As used in this section:

5 (a) "Drug overdose" means an acute condition of physical illness, coma, mania,
6 hysteria, seizure, cardiac arrest, cessation of breathing, or death which
7 reasonably appears to be or is the result of consumption or use of a controlled
8 substance, or another substance with which a controlled substance was
9 combined~~], and that a layperson would reasonably believe requires medical~~
10 ~~assistance]; and~~

11 (b) "Good faith" does not include seeking medical assistance during the course of
12 the execution of an arrest warrant, or search warrant, or a lawful search.

13 (2) A person shall not be charged with or prosecuted for a criminal offense prohibiting
14 the possession of a controlled substance or the possession of drug paraphernalia if:

15 (a) In good faith, medical assistance with a drug overdose is sought from a public
16 safety answering point, emergency medical services, a law enforcement
17 officer, or a health practitioner because the person:

18 1. Requests emergency medical assistance for himself or herself or another
19 person;

20 2. Acts in concert with another person who requests emergency medical
21 assistance; or

22 3. Appears to be in need of emergency medical assistance and is the
23 individual for whom the request was made;

24 (b) The person remains with, or is, the individual who appears to be experiencing
25 a drug overdose until the requested assistance is provided; and

26 (c) The evidence for the charge or prosecution is obtained as a result of the drug
27 overdose and the need for medical assistance.

- 1 (3) The provisions of subsection (2) of this section shall not extend to the investigation
2 and prosecution of any other crimes committed by a person who otherwise qualifies
3 under this section.
- 4 (4) When contact information is available for the person who requested emergency
5 medical assistance, it shall be reported to the local health department. Health
6 department personnel shall make contact with the person who requested emergency
7 medical assistance in order to offer referrals regarding substance abuse treatment, if
8 appropriate.
- 9 (5) A law enforcement officer who makes an arrest in contravention of this section
10 shall not be criminally or civilly liable for false arrest or false imprisonment if the
11 arrest was based on probable cause.