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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, Paiva Weed, Ruggerio, Goodwin, and Miller

Date Introduced: January 05, 2016

Referred To: Recommended for Immediate Consideration

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 21 of the General Laws entitled "FOOD AND DRUGS" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 28.9

4 THE GOOD SAMARITAN OVERDOSE PREVENTION ACT OF 2016

5 **21-28.9-1. Short title.** – This chapter shall be known and may be cited as "The Good
6 Samaritan Overdose Prevention Act of 2016".

7 **21-28.9-2. Definition.** – "Opioid antagonist" means a drug which is a competitive
8 antagonist that binds to the opioid receptors with higher affinity than agonists but does not
9 activate the receptors, effectively blocking the receptor, preventing the human body from making
10 use of opiates and endorphins.

11 **21-28.9-3. Authority to administer opioid antagonists – Release from liability.** – (a)
12 A person may administer an opioid antagonist to another person if:

13 (1) They, in good faith, believe the other person is experiencing a drug overdose; and

14 (2) They act with reasonable care in administering the drug to the other person.

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

18 **21-28.9-4. Emergency overdose care – Immunity from legal repercussions.** – (a) Any

1 person who, in good faith, without malice and in the absence of evidence of an intent to defraud
2 seeks medical assistance for someone experiencing a drug overdose or other drug-related medical
3 emergency shall not be charged or prosecuted for any crime related to the possession of a
4 controlled substance or drug paraphernalia, or the operation of a drug-involved premises, if the
5 evidence for the charge was gained as a result of the seeking of medical assistance.

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

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

14 (d) The immunity related to the possession of a controlled substance or drug
15 paraphernalia, or the operation of a drug-involved premises afforded under this section shall also
16 extend to a violation of probation and/or parole on those grounds.

17 **21-28.9-5. Law enforcement reports.** – In the first week of January, 2017, and each year
18 thereafter, the attorney general shall, in cooperation with local law enforcement agencies and the
19 state police, submit to the general assembly a report summarizing the impact of this chapter on
20 law enforcement. The report shall include any incidents in which a law enforcement agency was
21 barred, due to the immunity provisions of §21-28.9-4, from charging or prosecuting a person
22 under chapters 28 and 28.5 of this title who would have otherwise been so charged or prosecuted,
23 and indicating whether the person was charged with, or prosecuted for, any other criminal offense
24 resulting from the agency's response to the request for medical assistance.

25 SECTION 2. 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 OF 2016

1 This act would create "The Good Samaritan Overdose Prevention Act of 2016" which
2 would exempt from liability any person who administers an opioid antagonist to another person to
3 prevent a drug overdose. It would further provide immunity for violations of probation and/or
4 parole for those persons who in good faith, seek medical assistance for a person experiencing a
5 drug overdose.

6 This act would take effect upon passage.

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