

SENATE FILE NO. SF0074

Immunity for drug overdose reporting.

Sponsored by: Joint Labor, Health & Social Services Interim
Committee

A BILL

for

1 AN ACT relating to controlled substances; providing
2 immunity from prosecution of specified offenses under the
3 Wyoming Controlled Substances Act of 1971 to persons who
4 report or experience an emergency drug overdose event as
5 specified; providing applicability; making conforming
6 amendments; and providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 35-7-1064 is created to read:

11

12 **35-7-1064. Drug overdose; limited immunity from**
13 **prosecution.**

14

1 (a) A person who, in good faith, seeks medical
2 assistance for himself or another person is immune from
3 criminal prosecution for an offense listed in subsection
4 (c) of this section if:

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6 (i) The person reasonably believes he or another
7 person is experiencing a drug overdose event;

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9 (ii) The person provides a description of the
10 actual location of the drug overdose event;

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12 (iii) The person remains at the scene of the
13 drug overdose event until a responding law enforcement
14 officer or emergency medical service provider arrives, or
15 the person remains at the medical care facility where the
16 person experiencing the drug overdose event is located
17 until a responding law enforcement officer arrives;

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19 (iv) The person cooperates with a responding law
20 enforcement officer, emergency medical service provider or
21 medical care provider, including by providing information
22 about the person experiencing the drug overdose event and

1 the type of substance that may have caused the drug
2 overdose event; and

3

4 (v) The offense listed in subsection (c) of this
5 section arises from the same course of events as the drug
6 overdose event.

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8 (b) The immunity from prosecution under subsection
9 (a) of this section shall extend to the person experiencing
10 the drug overdose event if all the conditions specified in
11 subsection (a) of this section are satisfied.

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13 (c) The immunity from prosecution under subsection
14 (a) of this section shall apply to the following offenses:

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16 (i) Possession of a controlled substance under
17 W.S. 35-7-1031(c);

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19 (ii) Use of a controlled substance under W.S.
20 35-7-1039.

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22 (d) A person experiencing a drug overdose event shall
23 only be eligible to receive immunity from prosecution under

1 this section not more than two (2) times in a twelve (12)
2 month period. The limitations under this subsection shall
3 not apply to the person who seeks medical assistance for
4 himself or another person in accordance with subsection (a)
5 of this section. A person experiencing a drug overdose
6 event shall be eligible to receive immunity for a second
7 time in a twelve (12) month period under this subsection
8 only upon the person completing, after the second
9 qualifying drug overdose event, a drug treatment program
10 approved by the applicable district attorney. The district
11 attorney shall approve a drug treatment program consistent
12 with the results of a substance abuse assessment
13 administered at the expense of the person who experienced
14 the drug overdose event.

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16 (e) As used in this section:

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18 (i) "Drug overdose event" means a condition,
19 including extreme physical illness, a decreased level of
20 consciousness or respiratory depression that a reasonable
21 person would believe requires medical assistance to address
22 and correct resulting from the consumption or use of a

1 controlled substance or another substance combined with a
2 controlled substance;

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4 (ii) "Good faith" does not include seeking
5 medical assistance or immunity under this section as a
6 result of using a controlled substance during the course of
7 a law enforcement agency's execution of a search warrant,
8 arrest warrant or other lawful search or arrest.

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10 (f) Nothing in this section shall be interpreted to:

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12 (i) Prohibit the criminal prosecution of a
13 person for an offense other than the offenses specified in
14 subsection (c) of this section;

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16 (ii) Limit the authority of a law enforcement
17 officer to obtain or use evidence obtained from a report,
18 recording or other statement provided by a person seeking
19 medical assistance for himself or another person under this
20 section to investigate and prosecute an offense other than
21 the offenses listed in subsection (c) of this section.

22

1 **Section** **2.** W.S. 35-7-1002(a)(xxviii),
2 35-7-1031(c)(intro) and 35-7-1039 are amended to read:

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4 **35-7-1002. Definitions.**

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6 (a) As used in this act:

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8 (xxviii) "This act" means W.S. 35-7-1001 through
9 ~~35-7-1063~~ 35-7-1064.

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11 **35-7-1031. Unlawful manufacture or delivery;**
12 **counterfeit substance; unlawful possession.**

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14 (c) Except as provided in W.S. 35-7-1064, it is
15 unlawful for any person knowingly or intentionally to
16 possess a controlled substance unless the substance was
17 obtained directly from, or pursuant to a valid prescription
18 or order of a practitioner while acting in the course of
19 his professional practice, or except as otherwise
20 authorized by this act. With the exception of any drug that
21 has received final approval from the United States food and
22 drug administration, including dronabinol as listed in W.S.
23 35-7-1018(h), and notwithstanding any other provision of

1 this act, no practitioner shall dispense or prescribe
2 marihuana, tetrahydrocannabinol, or synthetic equivalents
3 of marihuana or tetrahydrocannabinol. No prescription or
4 practitioner's order for marihuana, tetrahydrocannabinol,
5 or synthetic equivalents of marihuana or
6 tetrahydrocannabinol shall be valid, unless the
7 prescription is for a drug that has received final approval
8 from the United States food and drug administration,
9 including dronabinol. Any person who violates this
10 subsection:

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12 **35-7-1039. Person using or under influence of**
13 **controlled substance.**

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15 Except as provided in W.S. 35-7-1064, any person who
16 knowingly or intentionally uses or is under the influence
17 of a controlled substance listed in Schedules I, II or III
18 except when administered or prescribed by or under the
19 direction of a licensed practitioner, shall be guilty of a
20 misdemeanor and shall be punished by imprisonment in the
21 county jail not to exceed six (6) months or a fine not to
22 exceed seven hundred fifty dollars (\$750.00), or by both.

23

1 **Section 3.** This act is effective July 1, 2025.

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(END)