

911 Good Samaritan Immunity

This Act provides immunity, with certain exceptions, from arrest and criminal prosecution for a person who, in good faith, reports an emergency drug or alcohol overdose. The immunity applies to the person reporting the overdose and the person suffering the overdose. The person who reports must remain at the scene of the event until law enforcement or emergency medical personnel arrive. They must also identify themselves to, and cooperate with, the law enforcement officer or emergency medical responder.

Submitted as:

Colorado

[SB 20](#)

Status: Enacted into law in 2012.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as “The Good Samaritan Immunity Act.”

2

3 Section 2. [*Legislative Findings.*]

4 (A) The [general assembly] hereby declares that this state has a strong interest in preventing
5 deaths that result from the use of drugs and alcohol.

6 (B) The [general assembly] further declares that:

7 (1) The creation of a safe haven provision within the state’s criminal statutes for a
8 person who reports in good faith an emergency drug or alcohol overdose event serves the state’s
9 interest in preventing further deaths from the use of drugs and alcohol; and

10 (2) By creating such a safe haven provision, the [general assembly] intends to
11 encourage people who otherwise would be reluctant to report such an event due to a fear of criminal
12 prosecution to do so without delay and people who abuse alcohol or drugs to seek treatment and
13 assistance as necessary to obtain a safer, healthier lifestyle.

14

15 Section 3. [*Immunity for People Who Suffer or Report an Emergency Drug or Alcohol*
16 *Overdose.*]

17 (A) A person shall be immune from criminal prosecution for an offense described in
18 subsection (3) of this section if:

19 (1) the person reports in good faith an emergency drug or alcohol overdose event to a
20 law enforcement officer, to the 911 system, or to a medical provider;

21 (2) the person remains at the scene of the event until a law enforcement officer or an
22 emergency medical responder arrives, or the person remains at the facilities of the medical provider
23 until a law enforcement officer arrives;

24 (3) the person identifies himself or herself to, and cooperates with, the law
25 enforcement officer, emergency medical responder, or medical provider; and

26 (4) the offense arises from the same course of events from which the emergency drug
27 or alcohol overdose event arose.

1 (B) The immunity described in subsection (1) of this section also extends to the person who
2 suffered the emergency drug or alcohol overdose event if all of the conditions of subsection (1) are
3 satisfied.

4 (C) The immunity described in subsection (1) of this section shall apply to the following
5 criminal offenses:

6 (1) unlawful possession of a controlled substance, as described in [insert citation];

7 (2) unlawful use of a controlled substance, as described in [insert citation];

8 (c) unlawful possession of two ounces or less of marijuana, as described in [insert citation]; or more
9 than two ounces of marijuana but no more than six ounces of marijuana, as described in [insert
10 citation]; or more than six ounces of marijuana but no more than twelve ounces of marijuana or three
11 ounces or less of marijuana concentrate as described in section [insert citation];

12 (3) open and public display, consumption, or use of less than two ounces of marijuana
13 as described in [insert citation];

14 (4) transferring or dispensing two ounces or less of marijuana from one person to
15 another for no consideration, as described in [insert citation];

16 (5) Use or possession of synthetic cannabinoids or salvia divinorum, as described
17 [insert citation];

18 (6) possession of drug paraphernalia, as described in [insert citation]; and

19 (7) illegal possession or consumption of ethyl alcohol by an underage person, as
20 described in [insert citation].

21 (D) nothing in this section shall be interpreted to prohibit the prosecution of a person for an
22 offense other than an offense listed in subsection (3) of this section or to limit the ability of a district
23 attorney or a law enforcement officer to obtain or use evidence obtained from a report, recording, or
24 any other statement provided pursuant to subsection (1) of this section to investigate and prosecute
25 an offense other than an offense listed in subsection (3) of this section.

26 (E) as used in this section, unless the context otherwise requires, "emergency drug or alcohol
27 overdose event" means an acute condition including, but not limited to, physical illness, coma,
28 mania, hysteria, or death resulting from the consumption or use of a controlled substance, or of
29 alcohol, or another substance with which a controlled substance or alcohol was combined, and that a
30 layperson would reasonably believe to be a drug or alcohol overdose that requires medical
31 assistance.

32
33 Section4. [*Unlawful use of a controlled substance.*]
34

35 A. Except as is otherwise provided for offenses concerning marijuana and marijuana concentrate
36 in [insert citation], a person who uses any controlled substance, except when it is dispensed
37 by or under the direction of a person licensed or authorized by law to prescribe, administer,
38 or dispense the controlled substance for bona fide medical needs, commits a class 2
39 misdemeanor.

40 B. Except as described in [insert citation], a person who possesses two ounces or less of
41 marijuana commits a class 2 petty offense and, upon conviction thereof, shall be punished by
42 a fine of not more than one hundred dollars.

43 C. Except as described in [insert citation], a person who openly and publicly displays,
44 consumes, or uses two ounces or less of marijuana commits a class 2 petty offense and, upon
45 conviction thereof, shall be punished, at a minimum, by a fine of not less than one hundred
46 dollars or, at a maximum, by a fine of not more than one hundred dollars and,
47 notwithstanding the provisions of [insert citation], by fifteen days in the county jail.
48

49 Section 5. [*Possession of drug paraphernalia - penalty.*]

1 (1) Except as described in [insert citation], a person commits possession of drug paraphernalia if
2 he or she possesses drug paraphernalia and knows or reasonably should know that the drug
3 paraphernalia could be used under circumstances in violation of the laws of this state.
4

5 Section 6. [*Illegal possession or consumption of ethyl alcohol by an underage person; definitions.*]
6

- 7 1. Except as described in [insert citation], a person under twenty-one years of age who
8 possesses or consumes ethyl alcohol anywhere in the state of [insert state] commits illegal
9 possession or consumption of ethyl alcohol by an underage person. Illegal possession or
10 consumption of ethyl alcohol by an underage person is a strict liability offense.
- 11 2. An underage person and one or two other persons shall be immune from criminal prosecution
12 under this section if they establish he or she establishes the following:
 - 13 a. One of the underage person called 911 and reported in good faith that another
14 underage person was in need of medical assistance due to alcohol consumption;
 - 15 b. The underage person who called 911 and, if applicable, one or two other persons
16 acting in concert with the underage person who called 911 provided each of their
17 names his or her name to the 911 operator;
 - 18 c. The underage person and, if applicable, one or two other persons acting in concert
19 with the underage person who made the 911 call remained on the scene with the
20 underage person in need of medical assistance until assistance arrived and cooperated
21 with medical assistance and or law enforcement personnel on the scene.
22

23 Section 7. [*Unlawful acts – exceptions.*]

- 24 1. An underage person and one or two other persons shall be immune from criminal prosecution
25 under paragraph (b) or (c) of paragraph (1) of this section if he or she establishes the
26 following:
 - 27 a. One of the underage persons called 911 and reported that another underage person
28 was in need of medical assistance due to alcohol consumption;
 - 29 b. The underage person who called 911 and, if applicable, one or two other persons
30 acting in concert with the underage person who called 911 provided each of their
31 names his or her name to the 911 operator;
 - 32 c. The underage person and, if applicable, one or two other persons acting in concert
33 with the underage person who made the 911 call remained on the scene with the
34 underage person in need of medical assistance until assistance arrived and cooperated
35 with medical assistance and or law enforcement personnel on the scene.
36

37 Section 8. [*Severability.*] Insert severability clause.
38

39 Section 9. [*Repealer.*] Insert repealer clause.
40

41 Section 10. [*Effective Date.*] Insert effective date.