

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 294

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LYNCH.

0109H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 195, RSMo, by adding thereto one new section relating to immunity for persons who seek medical assistance for a drug or alcohol overdose.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 195, RSMo, is amended by adding thereto one new section, to be known as section 195.205, to read as follows:

195.205. 1. For purposes of this section, the following terms shall mean:

(1) "Drug or alcohol overdose", a condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, mania, or death which is the result of consumption or use of a controlled substance or alcohol or a substance with which the controlled substance or alcohol was combined, or that a person would reasonably believe to be a drug or alcohol overdose that requires medical assistance;

(2) "Medical assistance", includes, but is not limited to, reporting a drug or alcohol overdose or other medical emergency to law enforcement, the 911 system, a poison control center, or a medical provider; assisting someone so reporting; or providing care to someone who is experiencing a drug or alcohol overdose or other medical emergency while awaiting the arrival of medical assistance.

2. A person who, in good faith, seeks or obtains medical assistance for someone who is experiencing a drug or alcohol overdose or other medical emergency or a person experiencing a drug or alcohol overdose or other medical emergency who seeks medical assistance for himself or herself or is the subject of a good faith request shall not be

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 arrested, charged, prosecuted, convicted, or have his or her property subject to civil
17 forfeiture or otherwise be penalized for the following if the evidence for the arrest, charge,
18 prosecution, conviction, seizure, or penalty was gained as a result of seeking or obtaining
19 medical assistance:

20 (1) Committing a prohibited act under sections 579.015, 579.074, 579.078, or
21 579.105;

22 (2) Committing a prohibited act under sections 311.310, 311.320, or 311.325;

23 (3) Violating a restraining order; or

24 (4) Violating probation or parole.

25 3. (1) This section shall not prohibit a police officer from arresting a person for an
26 outstanding warrant under subsection 1 of section 221.510.

27 (2) This section shall not prohibit a person from being arrested, charged, or
28 prosecuted based on an offense other than an offense under subsection 2 of this section,
29 whether the offense arises from the same circumstances as the seeking of medical
30 assistance.

31 (3) The protection of prosecution under this section for possession offenses shall not
32 be grounds for suppression of evidence or dismissal in charges unrelated to this section.

33 4. Any police officer who is in contact with any person or persons in need of
34 emergency medical assistance under this section shall provide appropriate information and
35 resources for substance-related assistance.

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