

LEGISLATIVE ANALYSIS AND PUBLIC POLICY ASSOCIATION

GOOD SAMARITAN FATAL OVERDOSE PREVENTION AND DRUG-INDUCED HOMICIDE: STATE LAWS

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SUMMARY

The chance of surviving a drug overdose is dependent on how quickly one receives medical assistance.¹ However, research indicates that there is often a reluctance among those witnessing an overdose to summon emergency assistance from law enforcement or other first responders out of fear of arrest for drug possession or other charges.² In an effort to reduce this fear and to encourage overdose witnesses to seek help, state policymakers developed Good Samaritan laws specific to drug overdoses (hereafter called “Good Samaritan fatal overdose prevention laws”).³ The purpose of these laws is to prioritize the overdose victim’s safety over arresting drug users by granting limited protection from criminal liability to persons seeking medical assistance and, in most cases, to the overdose victim. New Mexico enacted the first Good Samaritan fatal overdose prevention law in 2007.

The Legislative Analysis and Public Policy Association (LAPPA) recently undertook an extensive research project to determine the current status of Good Samaritan fatal overdose prevention laws throughout the United States, including the District of Columbia and all U.S. territories. As of June 2020, 47 states and the District of Columbia have Good Samaritan fatal overdose prevention laws. The three states that do not currently have a law are Kansas, Texas, and Wyoming. Additionally, no U.S. territory has a Good Samaritan fatal overdose prevention law in place.

The results of this research project are presented in this document. Starting on page 16, LAPPA provides jurisdiction-by-jurisdiction tables describing many aspects of each Good Samaritan fatal overdose prevention law currently in effect. The detailed aspects of these laws include:

- Statutory citation;
- Initial effective date;
- Date and content of subsequent substantive amendment(s) (if any);
- Individual(s) eligible for the Good Samaritan protection;
- Protections afforded as to crimes related to: (1) controlled substance possession; (2) drug paraphernalia; and (3) other violations;
- Requirements for the protections to apply and exceptions to protection;
- Whether reporting an overdose can serve as a mitigating factor for crimes not subject to the protection, and if so, which types of crimes; and
- Other provisions of note.

In addition to detailing Good Samaritan fatal overdose prevention laws, as part of this project, LAPPA researched the current status of drug-induced homicide/drug delivery resulting in death laws (hereafter called “DIH/DDRD laws”). DIH/DDRD refers to types of laws that establish a specific criminal charge, often manslaughter or murder, for individuals who furnish or

¹ “Good Samaritan fatal overdose prevention laws,” *Drug Policy Alliance*, last accessed June 26, 2020, <https://www.drugpolicy.org/issues/good-samaritan-fatal-overdose-prevention-laws>.

² “911 Good Samaritan laws,” *Shatterproof*, last accessed June 26, 2020, <https://www.shatterproof.org/advocacy/state-by-state-information/good-samaritan-laws>.

³ “Drug Overdose Immunity and Good Samaritan Laws,” *National Conference of State Legislatures*, June 5, 2017, <https://www.ncsl.org/research/civil-and-criminal-justice/drug-overdose-immunity-good-samaritan-laws.aspx>.

deliver controlled substances to another individual who dies as a result.⁴ Reports suggest that DIH/DDRDR prosecutions are on the rise in recent years, in response to the continuing drug overdose crisis in the country.⁵ Certainly, there is tension between Good Samaritan fatal overdose prevention and DIH/DDRDR laws. An ongoing policy debate exists about whether the use, or potential use, of DIH/DDRDR laws against those who might report an overdose negates the encouragement to report such an incident provided by Good Samaritan protections. The jurisdiction-by-jurisdiction tables in this document provide details about the following aspects of DIH/DDRDR laws:

- Statutory citation(s);
- Effective date and last amendment;
- Classification of offense;
- Circumstances when law applies; and
- Whether a specified affirmative defense exists.

LAPPA designed this document to: (1) provide a singular resource for each jurisdiction's laws; (2) allow for a comparison of these laws between jurisdictions; and (3) identify and highlight interesting provisions. The primary conclusions from the research and analysis are discussed below, followed by several maps showing many of the results in graphic form (Figures 1 to 11).⁶

- The enactment of Good Samaritan fatal overdose prevention laws is a recent phenomenon. One-half of the existing 48 laws in effect in the United States first took effect on or after January 1, 2015.
- Thirteen states substantively amended their Good Samaritan fatal overdose prevention laws one or more times since initial enactment, largely to expand the protection afforded to eligible persons. The first substantive amendments took place in 2014, and the latest in 2020. These 13 states are (in alphabetical order): Colorado, Florida, Maryland, Michigan, Mississippi, Montana, New Mexico, North Carolina, North Dakota, Rhode Island, Vermont, Virginia, and Wisconsin.⁷

⁴ "Drug-induced homicide laws," *Prescription Drug Abuse Policy System*, last updated January 1, 2019, <http://www.pdaps.org/datasets/drug-induced-homicide-1529945480-1549313265-1559075032>.

⁵ "Drug-induced homicide," *Health in Justice Action Lab- Northeastern University School of Law*, last accessed July 1, 2020, <https://www.healthinjustice.org/drug-induced-homicide>.

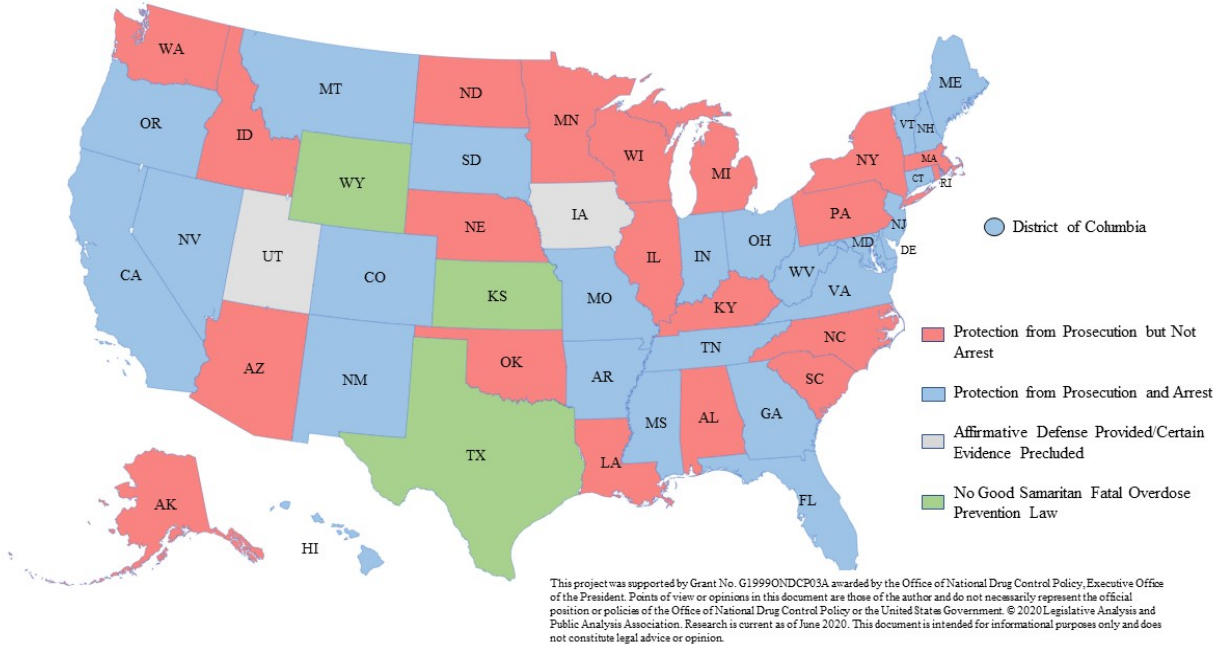
⁶ The goal of this research document is to provide accurate and complete information that is free of omissions. If you believe that this document contains misinformation or errors, please email LAPPA at info@thelappa.org.

⁷ In Wisconsin's case, a sunset provision effective August 1, 2020 repealed the additional protections added to state law in 2017.

- The nature of the protection provided by Good Samaritan fatal overdose prevention laws differs by jurisdiction. This analysis groups the protections afforded into three categories of crimes: (1) possession of controlled substances; (2) possession of drug paraphernalia; and (3) other violations.
- All Good Samaritan fatal overdose prevention laws provide some level of protection for low-level drug possession offenses. In all but two states, an eligible person is explicitly protected against one or more of the arrest, charge, prosecution, or conviction of the drug possession offense(s). The two exceptions are Iowa and Utah. In Utah, the statute provides an affirmative defense to an allegation of violation.⁸ In Iowa, the statute precludes the use of certain information gathered in response to a call for medical assistance to be used to support probable cause or be admitted into evidence. Each of the remaining 46 jurisdictions explicitly provide protection against prosecution, with some variation in how that is expressed in language. Slightly over half of the jurisdictions with laws (24 states and the District of Columbia) explicitly provide protection against arrest or being taken into custody. (Figure 1). Three states (Colorado, Florida, and Virginia) added protection against arrest to the originally enacted law by amendment.

Figure 1

Good Samaritan Fatal Overdose Prevention Laws:
Type of Protections from Drug Possession Offense(s)

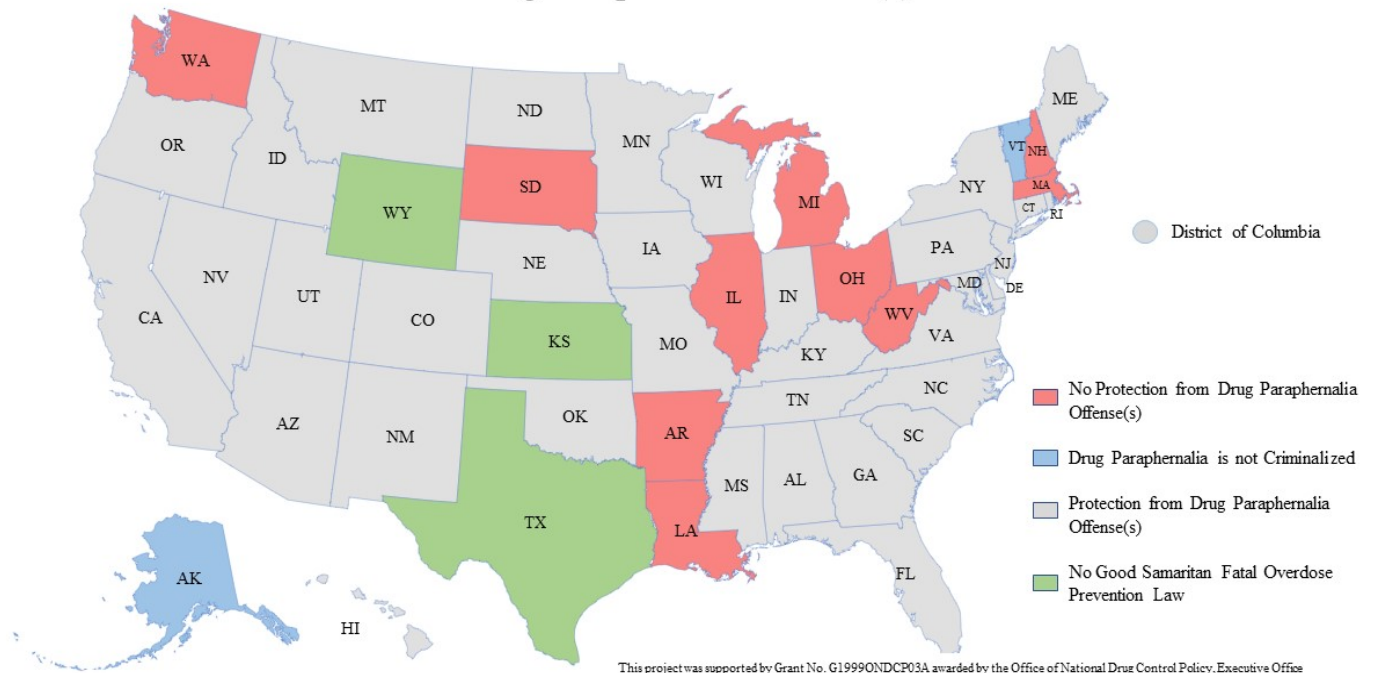


⁸ As originally enacted in 2015, Virginia’s law provided an affirmative defense. As of an amendment effective July 1, 2020, the law now provides protection from arrest or prosecution.

- In most cases, the nature of the protection provided to an eligible person under the jurisdiction’s Good Samaritan fatal overdose prevention law for drug possession extends to possession of drug paraphernalia. In 12 states, this is not the case. In two states (Alaska and Vermont), this is because possession of drug paraphernalia is not a crime. In the remaining 10 states, however, possession of drug paraphernalia is not an offense eligible for protection. (Figure 2). Two states (Florida and New Mexico) added protection against drug paraphernalia offenses to the originally enacted law by amendment.

Figure 2

Good Samaritan Fatal Overdose Prevention Laws:
 Protections from Drug Paraphernalia Offense(s)



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- Some Good Samaritan fatal overdose prevention laws provide broader protections for eligible persons than just possession of drugs and drug paraphernalia. The most common of these additional protections are for probation and parole violations (24 states and the District of Columbia) (Figure 3), certain underage alcohol offenses (13 states and the District of Columbia) (Figure 4), and violations of protective orders (10 states). (Figure 5).

Figure 3

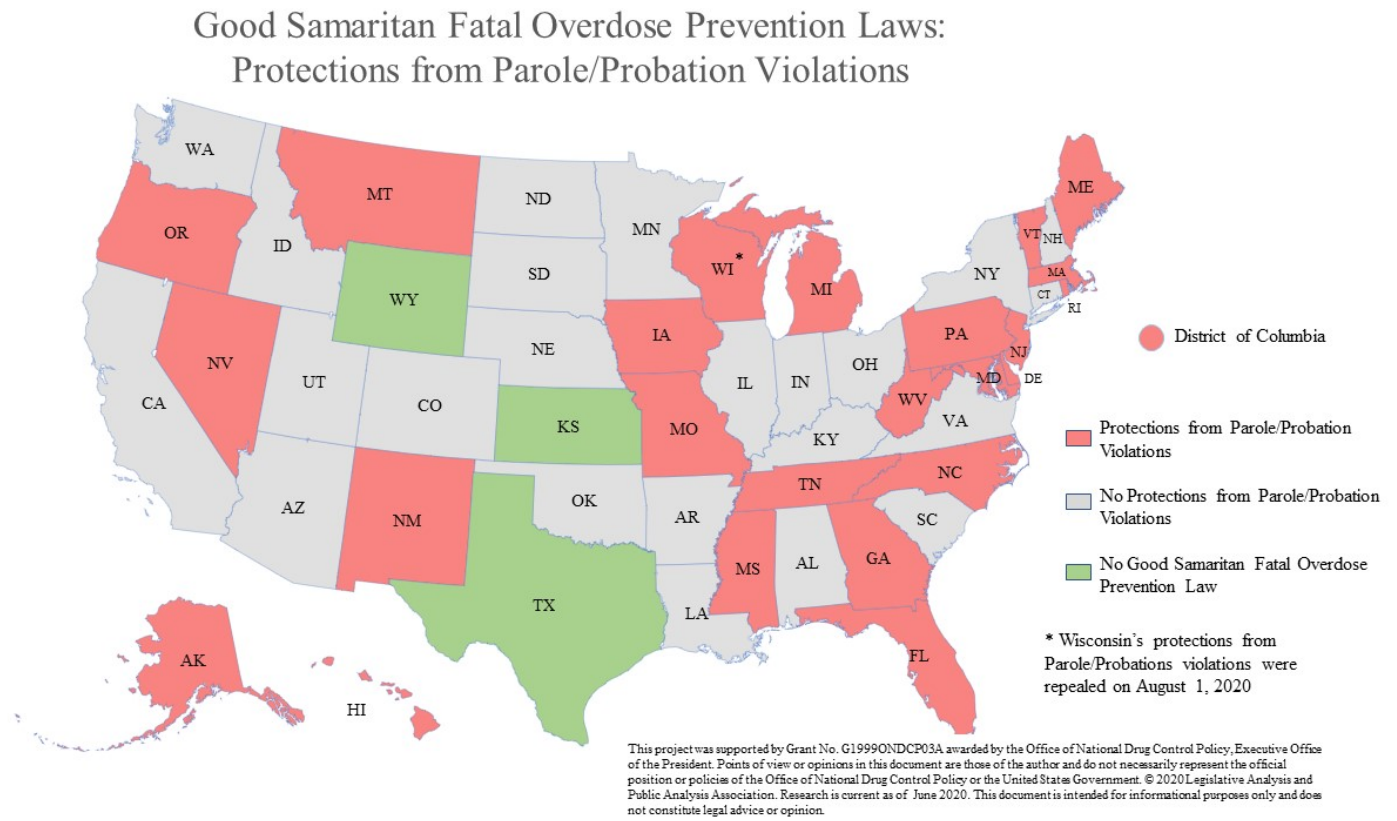


Figure 4

Good Samaritan Fatal Overdose Prevention Laws:
 Protections from Underage Alcohol Offense(s)

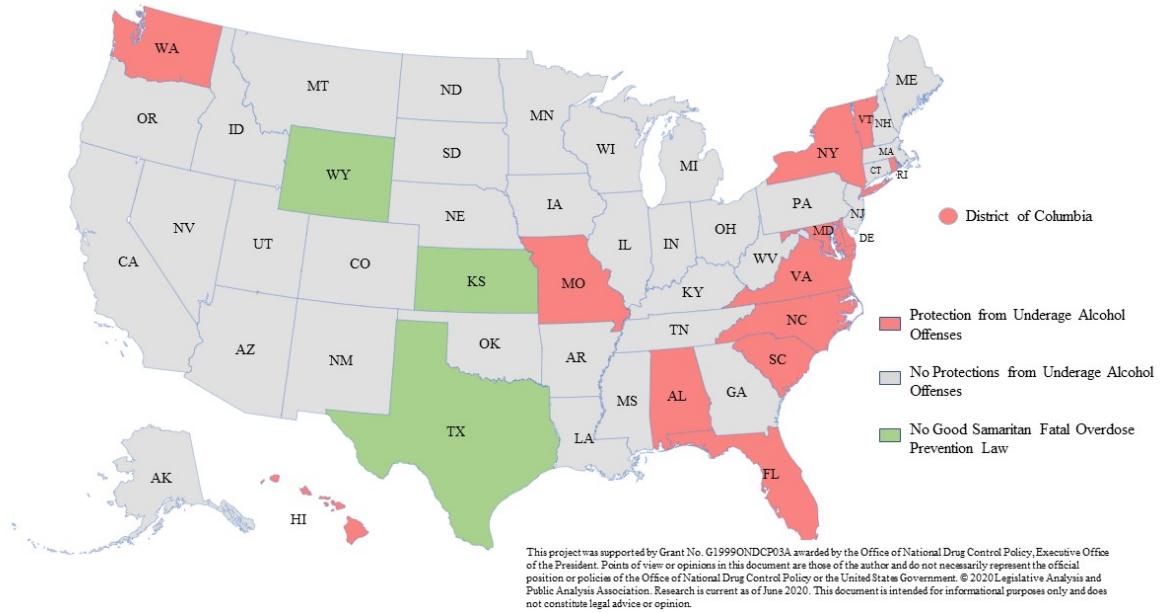
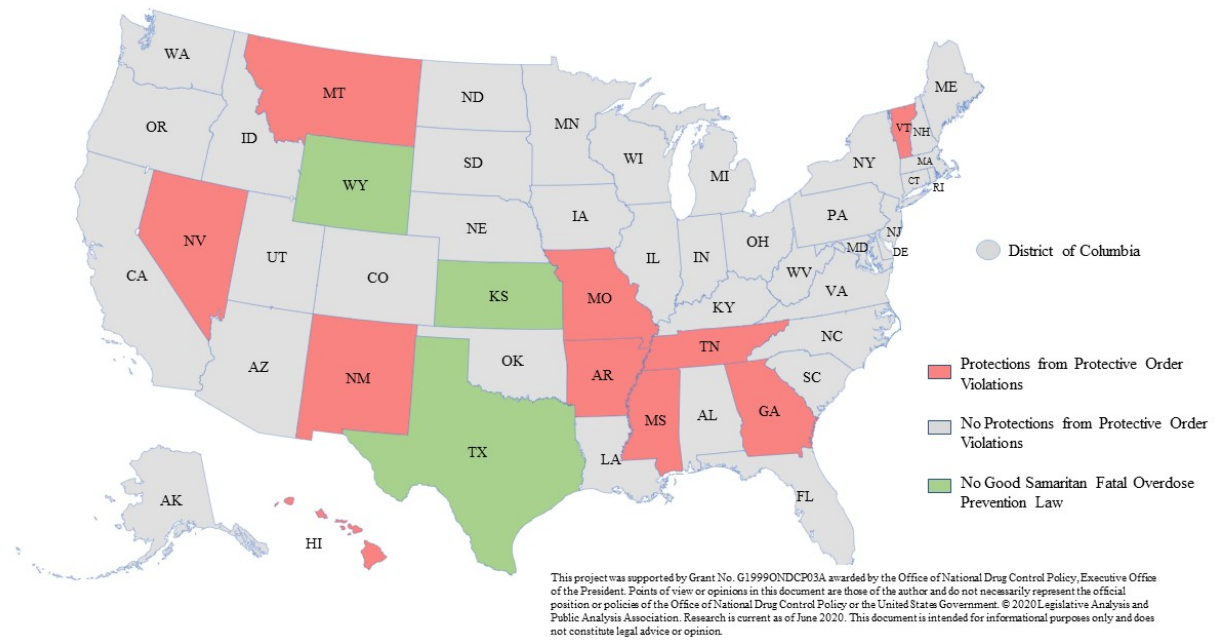


Figure 5

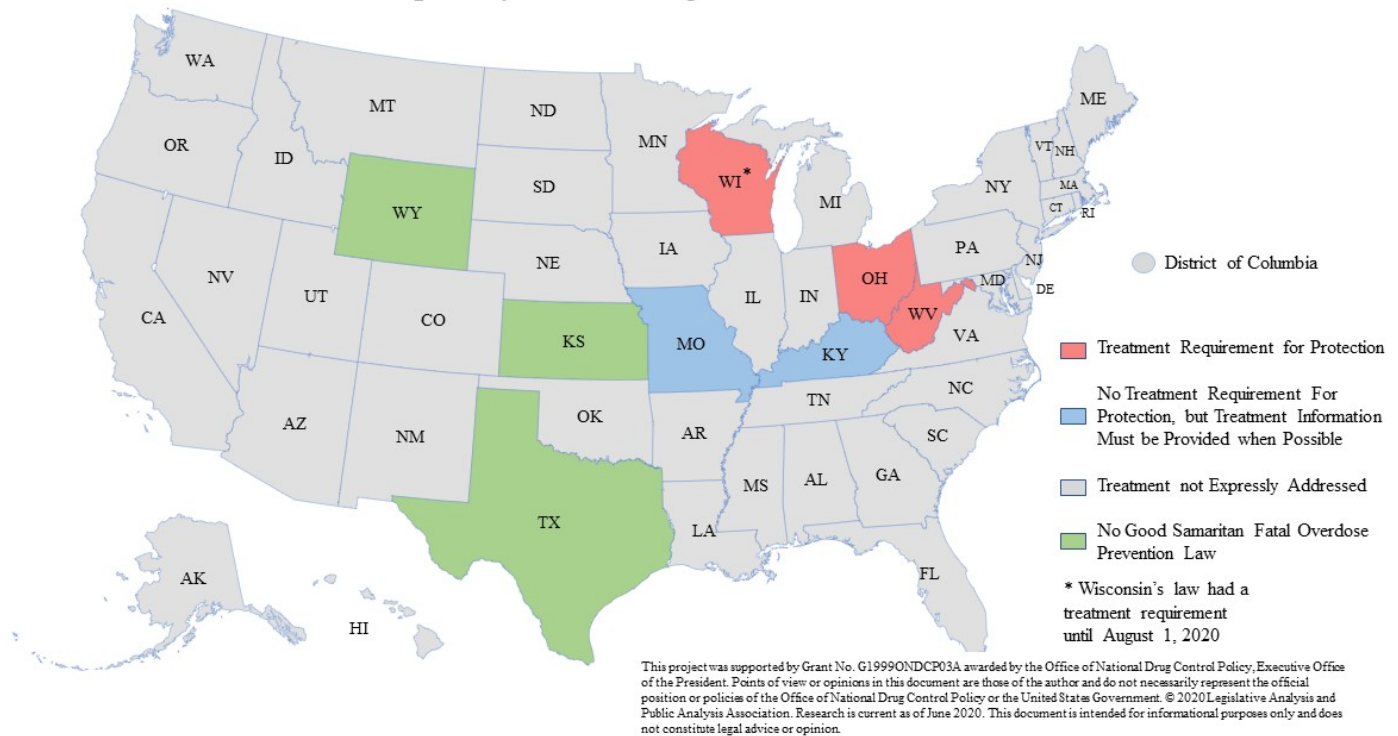
Good Samaritan Fatal Overdose Prevention Laws:
 Protections from Protective Order Violations



- In terms of those eligible to receive protection from Good Samaritan fatal overdose prevention laws, most laws cover both the person seeking medical assistance and the person experiencing the overdose for which medical assistance is sought. In four states (Alabama, Indiana, Oklahoma, and Wisconsin), the protection extends only to individuals seeking medical assistance for another and does not cover the overdose victim.⁹ (Figure 6). The laws of five states (Alabama, Iowa, Minnesota, North Carolina, and South Carolina) expressly require the person seeking assistance to be the first caller or have a reasonable belief of being the first caller. Indiana is the only jurisdiction that requires the person seeking assistance to administer naloxone to become eligible for protection.

Figure 6

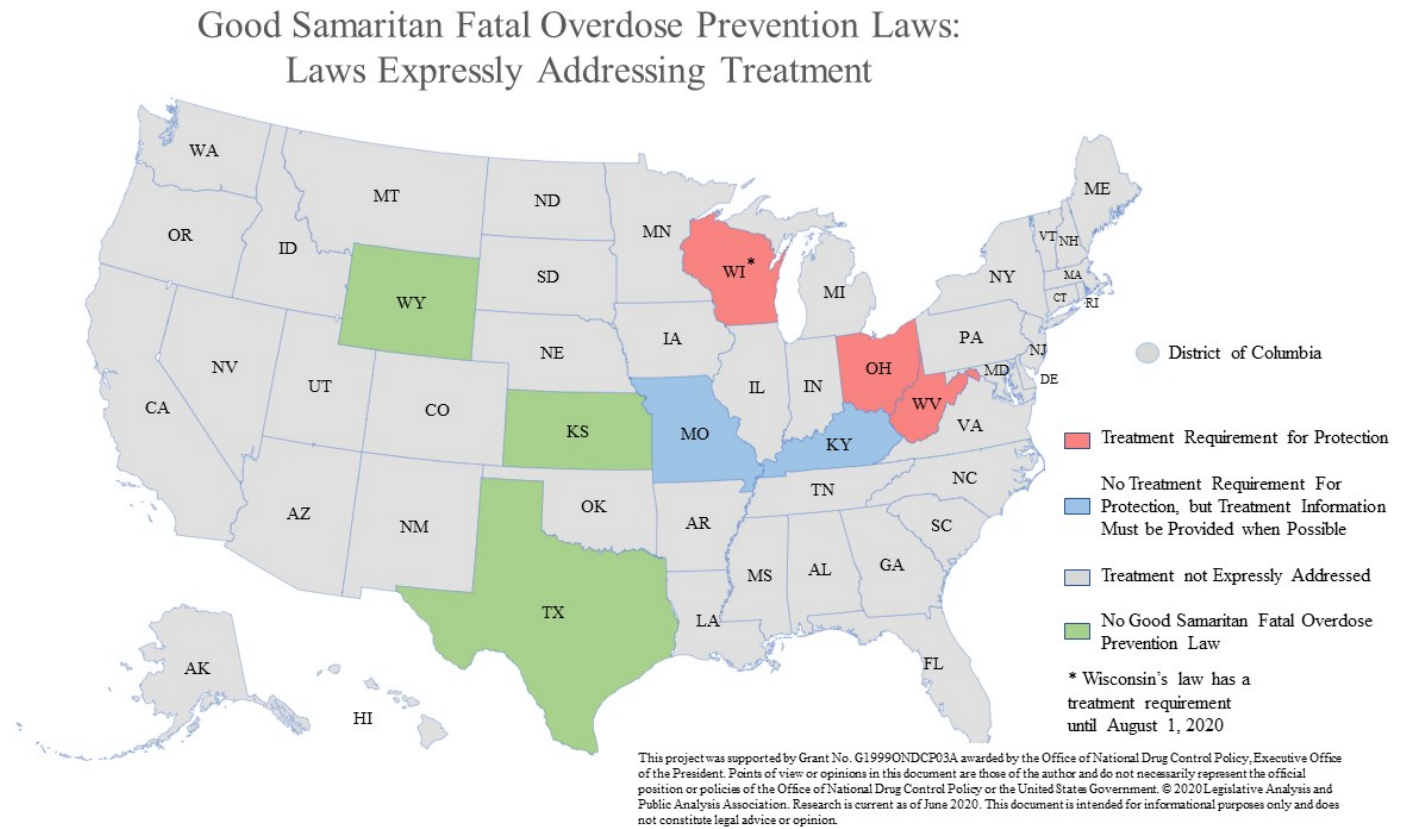
Good Samaritan Fatal Overdose Prevention Laws:
Laws Expressly Addressing Treatment



⁹ Wisconsin's law covered the person suffering the overdose from July 2017 until August 1, 2020.

- In two states (Ohio and West Virginia¹⁰), there are specific treatment requirements that the eligible individual must meet in order to receive protection from the Good Samaritan fatal overdose prevention law. In two states (Kentucky and Missouri), there are no treatment requirements for protection, but the law requires, when possible, that treatment information be provided to the eligible individual. (Figure 7).

Figure 7

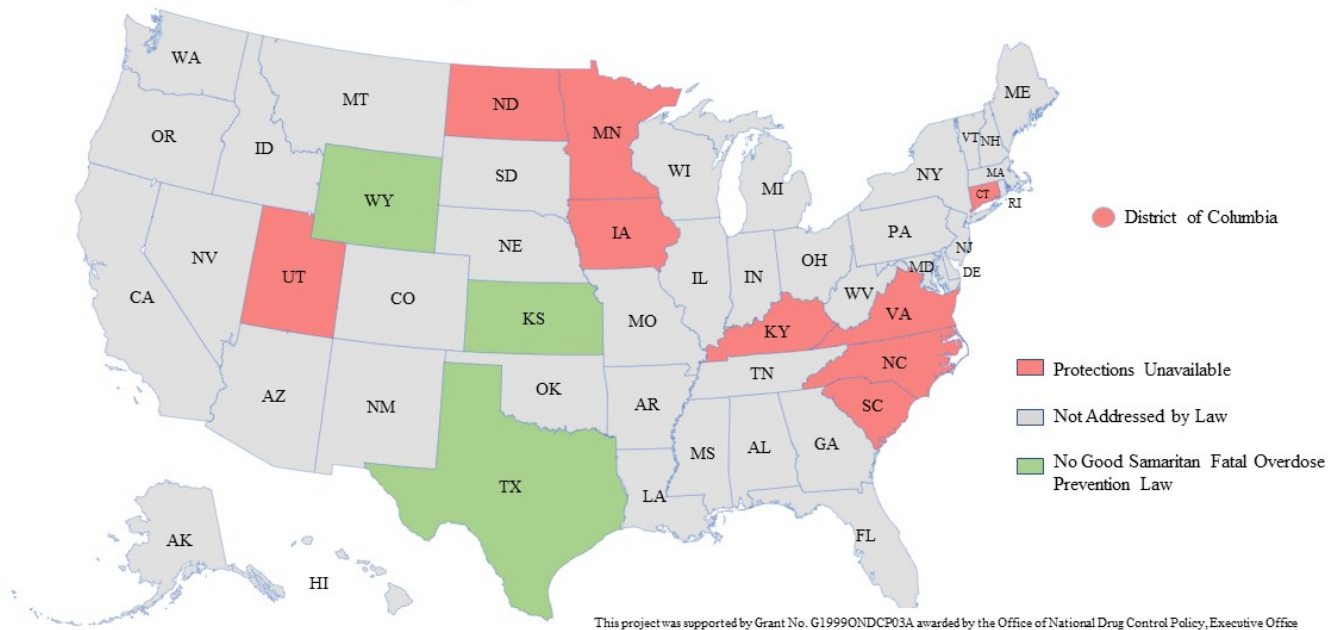


¹⁰ Wisconsin previously had a treatment requirement, but it was repealed on August 1, 2020.

- In order to be eligible for protections, state Good Samaritan fatal overdose prevention laws set forth requirements that must be met in order for the protection to apply. These laws often require the individual to report the overdose in good faith. In nine states and the District of Columbia, “good faith” does not include seeking medical assistance during the course of the execution of an arrest warrant, search warrant, or a lawful search. (Figure 8). Other requirements frequently include remaining on the scene until help arrives and cooperating with emergency personnel when they arrive.

Figure 8

Good Samaritan Fatal Overdose Prevention Laws:
Availability of Protections During the Execution of an Arrest Warrant, Search
Warrant, or Lawful Search

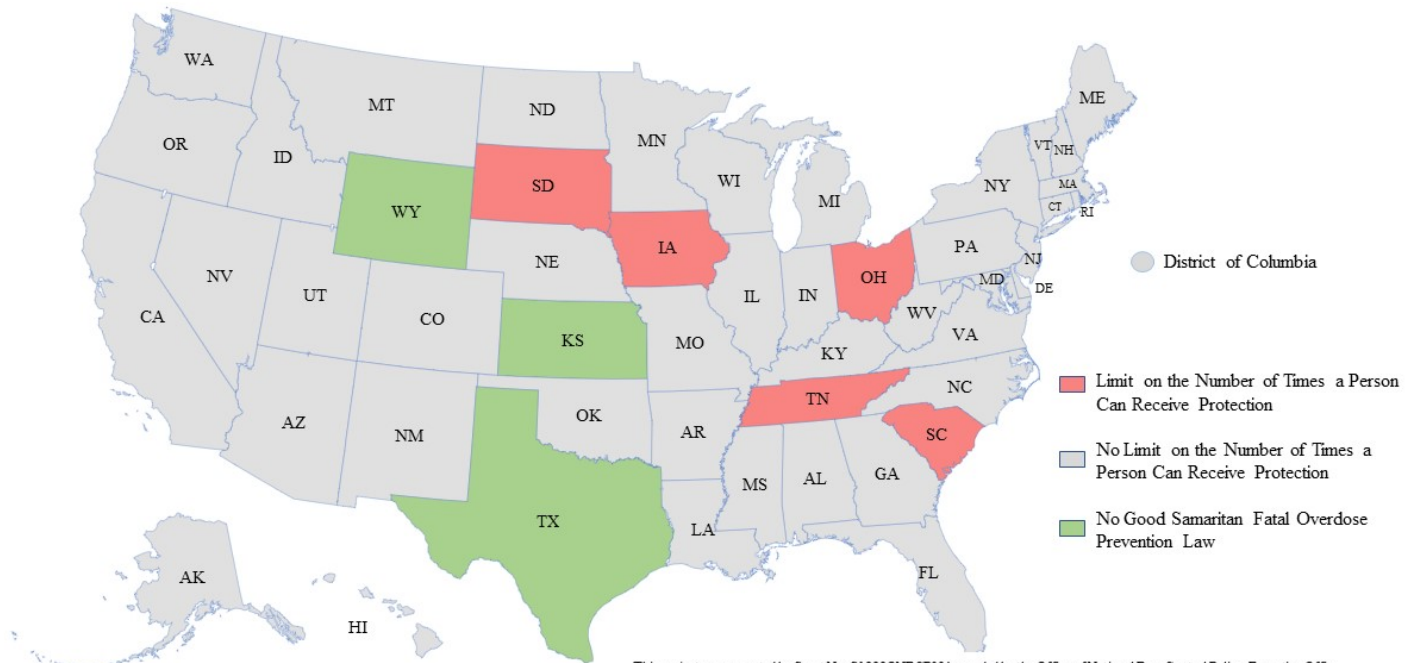


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- A number of state laws contain exceptions to protection. Five states (Iowa, Ohio, South Carolina, South Dakota, and Tennessee) place limits on the number of times a person can receive protection under the Good Samaritan fatal overdose prevention law. (Figure 9). A total of 28 states and the District of Columbia explicitly specify in their laws that immunity for covered offenses is not grounds for suppression of evidence of other crimes. This lack of such a specification does not mean that the evidence of other crimes is subject to suppression in the remaining states; rather, only that the issue is not clearly addressed in the statute.

Figure 9

Good Samaritan Fatal Overdose Prevention Laws:
Limitations on Number of Times a Person Can Receive Protections

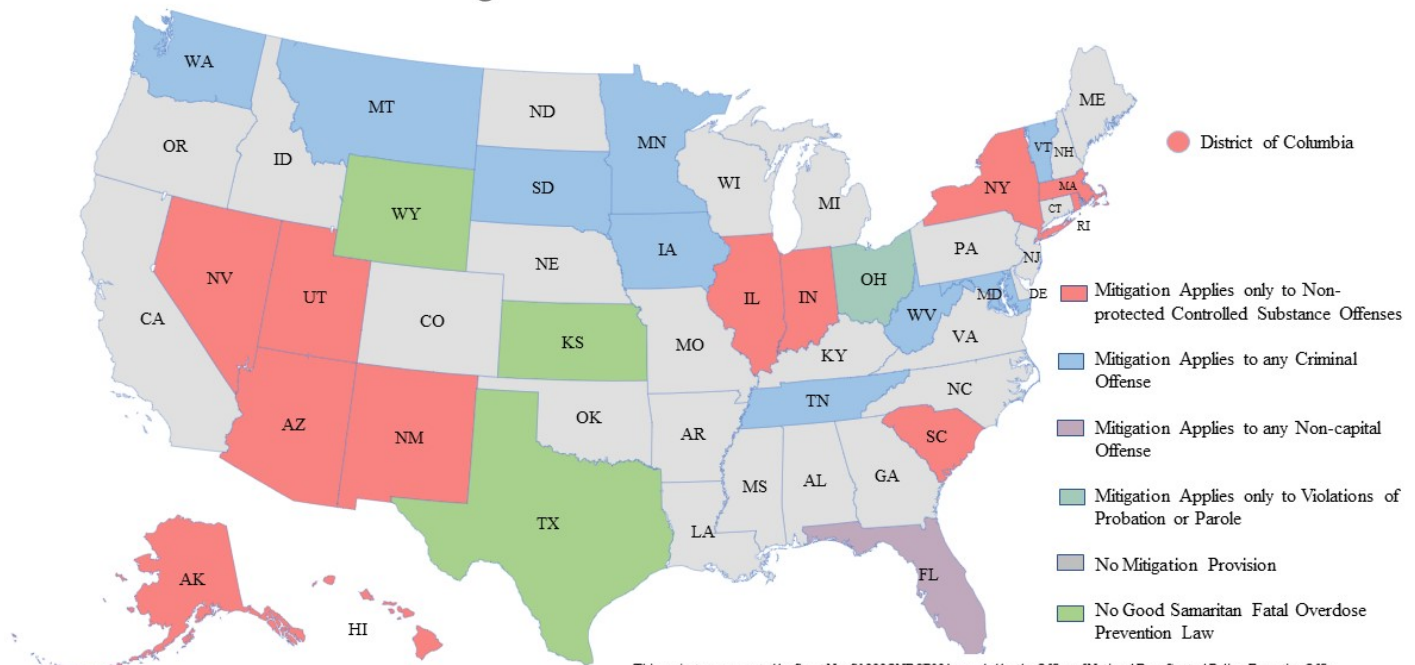


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- In cases where persons summon medical assistance for an overdose victim but allegedly commit a crime for which protection is not offered, 23 states and the District of Columbia specifically provide that summoning emergency assistance during an overdose is a mitigating factor to be considered at sentencing. The criminal offenses to which the mitigation may apply varies among states, involving only violations of probation or parole (Ohio), only controlled substance or drug offenses (12 states and the District of Columbia), any criminal prosecution or offense (nine states), and any non-capital felony offense (Florida). (Figure 10).

Figure 10

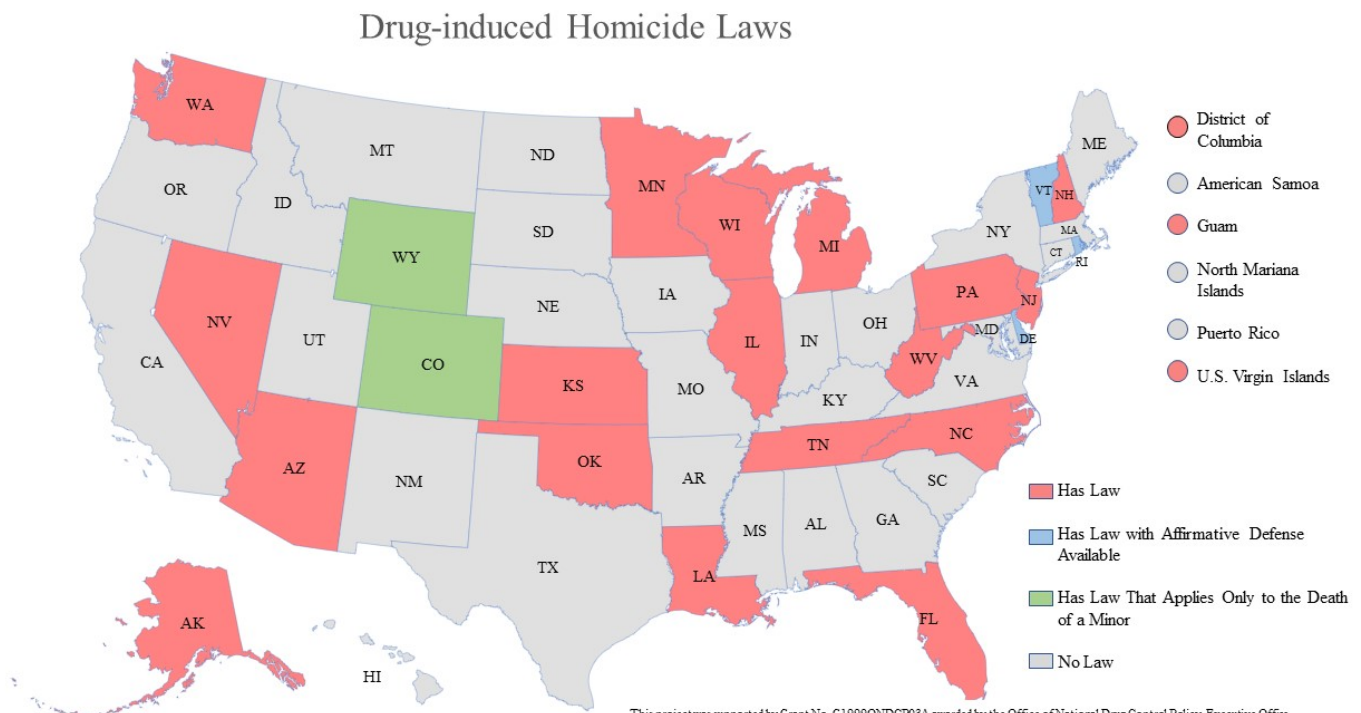
Good Samaritan Fatal Overdose Prevention Laws: Mitigation Provisions



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- Currently, 22 states, the District of Columbia, Guam, and the U.S. Virgin Islands have an express DIH/DDRDR law that could be used to charge someone who delivers a drug that results in an accidental overdose death. The classification of the DIH/DDRDR offense varies by state, with examples including manslaughter, classified felony, reckless homicide, and murder. In two states (Colorado and Wyoming), the DIH/DDRDR law is limited to the death of a person under the age of 18. (Figure 11).
- The laws of three states (Delaware, Rhode Island and Vermont) make a good faith effort to promptly seek, provide, or obtain emergency medical or law-enforcement assistance for another person who is experiencing an overdose an affirmative defense to their DIH/DDRDR law. In the case of Vermont, the crimes eligible for protection under the Good Samaritan fatal overdose prevention law include the state’s DIH/DDRDR provision.

Figure 11



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<u>ALABAMA</u>	
Statute(s)	Ala. Code § 20-2-281.
Initial effective date(s)	June 5, 2015.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	An individual ¹¹ seeking medical assistance for another individual under Article 13 (“Opioid Antagonist Administration”). Despite the reference to seeking medical assistance for another “under this article,” the explicit requirements for the protection to apply do not include administration of naloxone.
Protection as to controlled substance possession crimes	An eligible individual may not be prosecuted ¹² for a misdemeanor controlled substance offense.
Protection as to drug paraphernalia crimes	Misdemeanor controlled substance offense can include drug paraphernalia offenses (Ala. Code. § 13A-12-260).
Protection as to other crimes/violations	An eligible individual may not be prosecuted for underage possession or consumption of an alcoholic beverage.
Requirement(s) for the protection to apply	<ul style="list-style-type: none"> • Law enforcement became aware of the offense solely because the individual was seeking medical assistance for another. • Individual acted in good faith, upon a reasonable belief that he or she was the first to call for assistance. • Individual used his/her own name when contacting authorities. • Individual remained with the individual needing medical assistance until help arrived.
Exception(s) to protection	Protection does not extend to prosecution for driving while under the influence of alcohol or controlled substances (Ala. Code § 32-5A-191).
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A
Other provisions of note	None.
DIH or DDRD provision in state law	No.

¹¹ State laws vary in how the relevant actor or actors are described (*e.g.*, “individual,” “person,” or “defendant”). Within this document, the word used in the description of a particular state law is the word found in the statutory provision(s) at issue.

¹² State laws vary in their description of the Good Samaritan protection (*e.g.*, “may not be prosecuted” or “immune from arrest and prosecution”). Within this document, the phrase used in the description of a particular state law is the phrase found in the statutory provision(s) at issue.

<u>ALABAMA</u>	
Classification of DIH/DDRDR offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DDRDR offense	N/A

<u>ALASKA</u>	
Statute(s)	<ul style="list-style-type: none"> AS § 11.71.311 (Good Samaritan protections). AS § 12.55.155(d)(19) (mitigating factors in sentencing).
Initial effective date(s)	October 8, 2014 and September 8, 2008, respectively.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> Person who in good faith sought medical or law enforcement assistance for another person who he or she reasonably believed was experiencing a drug overdose. Person experiencing a drug overdose who sought medical assistance. <p>The law defines the phrase “drug overdose” as involving a controlled substance-induced event.</p>
Protection as to controlled substance possession crimes	<p>An eligible person may not be prosecuted for:</p> <ul style="list-style-type: none"> Certain misconduct involving a controlled substance in the fourth degree (AS § 11.71.040(a)(3), (4), or (12)); Certain misconduct involving a controlled substance in the fifth degree (AS § 11.71.050(a)(4) or (5)); or Certain misconduct involving a controlled substance in the sixth degree (AS § 11.71.060(a)(1) or (2)).
Protection as to drug paraphernalia crimes	None (possession of drug paraphernalia is not a crime in Alaska).
Protection as to other crimes/violations	None.
Requirement(s) for the protection to apply	<ul style="list-style-type: none"> Evidence supporting the prosecution for the offense was obtained or discovered as a result of the person seeking medical or law enforcement assistance. Person cooperated with medical or law enforcement personnel, including by providing identification. Person seeking assistance for another remained at the scene until help arrived.
Exception(s) to protection	None.
Reporting overdose a mitigating factor in sentencing	Yes.
Offenses subject to mitigation	Offenses related to controlled substances.
Circumstance(s) when mitigation applies	Defendant sought medical assistance for another person who was experiencing a drug overdose contemporaneously with the commission of the offense.
Other provisions of note	None.

<u>ALASKA</u>	
DIH or DDRD provision in state law	AS § 11.41.120(a)(3) (effective June 3, 2006).
Classification of DIH/DDRDR offense	Manslaughter.
Circumstance(s) when DIH/DRDD applies	Person knowingly manufactures or delivers a controlled substance in violation of AS §§ 11.71.010 to 11.71.030 or § 11.71.040(a)(1), and a person dies as a direct result of ingestion of the controlled substance.
Affirmative defense of DIH/DDRDR offense	None.

<u>ARIZONA</u>	
Statute(s)	A.R.S. § 13-3423.
Initial effective date(s)	April 26, 2018. Pursuant to the enacting legislation, the statute is subject to a sunset provision effective July 1, 2021.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who in good faith seeks medical assistance for someone experiencing a drug-related overdose. • Person who is experiencing a drug-related overdose, who is in need of medical assistance, and for whom assistance is sought. The law defines the phrases “medical assistance” and “seeks medical assistance.”
Protection as to controlled substance possession crimes	An eligible person may not be charged or prosecuted for the possession or use of a controlled substance (or a preparatory offense, in the case of a person seeking medical assistance for another).
Protection as to drug paraphernalia crimes	An eligible person may not be charged or prosecuted for the possession or use of drug paraphernalia (or a preparatory offense, in the case of a person seeking medical assistance for another).
Protection as to other crimes/violations	None.
Requirement(s) for the protection to apply	Evidence for the violation was gained as a result of the need for medical assistance.
Exception(s) to protection	<p>The existence of the protection does not limit:</p> <ul style="list-style-type: none"> • Admissibility of any evidence in connection with the investigation or prosecution of a crime or person not falling under the scope of the statute; or • Ability to seize contraband or arrest for any other offense.
Reporting overdose a mitigating factor in sentencing	Yes.
Offenses subject to mitigation	Criminal prosecution for a violation of Title 13, Chapter 34 (“Drug Offenses”).
Circumstance(s) when mitigation applies	When a person sought medical assistance for someone who was experiencing a drug-related overdose.
Other provisions of note	The existence of the protection does not prohibit an eligible person from being offered a diversion program for an offense other than the possession or use of a controlled substance or drug paraphernalia or a preparatory offense.
DIH or DDRD provision in state law	A.R.S. § 13-1105(A)(2) (effective as amended September 30, 2009).
Classification of DIH/DRRD offense	First degree murder.

<u>ARIZONA</u>	
Circumstance(s) when DIH/DRDD applies	<p>A person commits or attempts to commit one of the following offenses and, in the course of it, the person or another person causes the death of any person:</p> <ul style="list-style-type: none"> • Transportation of marijuana (A.R.S. § 13-3405(A)(4)); • Manufacturing or transportation of dangerous drugs (A.R.S. § 13-3407(A)(4), (7)); • Transportation of narcotic drugs (A.R.S. § 13-3408(A)(7)); or • Involving or using minors in drug offenses (A.R.S. § 13-3409).
Affirmative defense of DIH/DRDD offense	None.

<u>ARKANSAS</u>	
Statute(s)	A.C.A. §§ 20-13-1701 to 20-13-1705.
Initial effective date(s)	July 22, 2015.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who in good faith seeks medical assistance for another person who is experiencing a drug overdose. • Person who is experiencing a drug overdose and in good faith seeks medical assistance for himself or herself. <p>The law defines the phrases “drug overdose,” “medical assistance,” and “seeks medical assistance.” A “drug overdose” is a condition caused by the use of alcohol, a controlled substance, a dangerous drug, or a combination of these.</p>
Protection as to controlled substance possession crimes	An eligible person may not be arrested, charged, or prosecuted for possession of a controlled substance (under A.C.A. § 5-64-419).
Protection as to drug paraphernalia crimes	None.
Protection as to other crimes/violations	<p>An eligible person may not be subject to the following penalties based on the possession of a controlled substance:</p> <ul style="list-style-type: none"> • Violation of a permanent or temporary protective order or restraining order; or • Sanctions for a violation of a condition of pretrial release, condition of probation, or condition of parole.
Requirement(s) for the protection to apply	Evidence for the arrest, charge, or prosecution of the possession of a controlled substance must have resulted solely from seeking medical assistance.
Exception(s) to protection	<p>The existence of the protection does not limit:</p> <ul style="list-style-type: none"> • Admissibility of any evidence in connection with the investigation or prosecution of a crime or a person that does not fall under the scope of the protection; • Any seizure of evidence or contraband otherwise permitted; or • Authority of a law enforcement officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense not falling under the protection.
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A

<u>ARKANSAS</u>	
Other provisions of note	None.
DIH or DDRD provision in state law	No.
Classification of DIH/DDRDR offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DDRDR offense	N/A

<u>CALIFORNIA</u>	
Statute(s)	Cal. Health & Safety Code § 11376.5.
Initial effective date(s)	January 1, 2013.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who in good faith seeks medical assistance for another person experiencing a drug-related overdose. • Person who experiences a drug-related overdose and who is in need of medical assistance, if the person or one or more other persons at the scene of the overdose, in good faith, seek medical assistance for the person experiencing the overdose. <p>The law defines the phrase “drug-related overdose” as a condition that results from the use of one or more controlled substances or one or more controlled substances in combination with alcohol.</p>
Protection as to controlled substance possession crimes	It is not a crime for an eligible person to be under the influence of, or possess for personal use, a controlled substance or controlled substance analog.
Protection as to drug paraphernalia crimes	It is not a crime for an eligible person to possess drug paraphernalia for personal use.
Protection as to other crimes/violations	None.
Requirement(s) for the protection to apply	<ul style="list-style-type: none"> • Overdose must be related to the possession of a controlled substance, controlled substance analog, or drug paraphernalia of the person seeking medical assistance. • Person seeking assistance for another must not obstruct medical or law enforcement personnel.
Exception(s) to protection	<p>The existence of the protection does not affect:</p> <ul style="list-style-type: none"> • Laws prohibiting the selling, providing, giving, or exchanging of drugs or laws prohibiting the forcible administration of drugs against someone’s will; or • Liability for any offense that involves activities made dangerous by the consumption of a controlled substance or a controlled substance analog, including, but not limited to, reckless driving (Cal. Vehicle Code § 23103), driving under the influence (Cal. Vehicle Code § 23152), or driving under the influence and causing bodily injury (Cal. Vehicle Code § 23153).
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A

<u>CALIFORNIA</u>	
Other provisions of note	None.
DIH or DDRD provision in state law	No.
Classification of DIH/DDRDR offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DDRDR offense	N/A

<u>COLORADO</u>	
Statute(s)	C.R.S.A. § 18-1-711.
Initial effective date(s)	May 29, 2012.
Substantive amendments to law(s)	Immunity with respect to: (1) illegal possession or consumption of marijuana by an underage person; and (2) illegal possession of marijuana paraphernalia by an underage person - added effective June 6, 2014. Immunity for arrest (in addition to prosecution) - added effective August 10, 2016.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who reports in good faith an emergency drug or alcohol overdose event to a law enforcement officer, to the 911 system, or to a medical provider. • Person who suffered an emergency drug or alcohol overdose (if there is a person who reports the event and all requirements placed on the reporter are satisfied). <p>The law defines the phrase “emergency drug or alcohol overdose event” as a condition resulting from the use of a controlled substance, alcohol, or a substance combined with one of these.</p>
Protection as to controlled substance possession crimes	<p>An eligible person is immune from arrest and prosecution for the following offenses:</p> <ul style="list-style-type: none"> • Unlawful possession of a controlled substance (C.R.S.A. § 18-18-403.5(2)); • Unlawful use of a controlled substance (C.R.S.A. § 18-18-404); • If committed on or after March 1, 2020, unlawful possession of two ounces or less of marijuana (C.R.S.A. § 18-18-406(5)(a)(I)); or more than two ounces of marijuana but not more than six ounces of marijuana or not more than three ounces of marijuana concentrate (C.R.S.A. § 18-18-406(4)(c)); or more than six ounces of marijuana, or more than three ounces of marijuana concentrate (C.R.S.A. § 18-18-406(4)(b)); • Open and public display, consumption, or use of less than two ounces of marijuana (C.R.S.A. § 18-18-406(5)(b)(I)); • Use or possession of synthetic cannabinoids or salvia divinorum (C.R.S.A. § 18-18-406.1); or • Illegal possession or consumption of ethyl alcohol or marijuana by an underage person (C.R.S.A. § 18-13-122).
Protection as to drug paraphernalia crimes	<p>An eligible person is immune from arrest and prosecution for the following offenses:</p> <ul style="list-style-type: none"> • Possession of drug paraphernalia (C.R.S.A. § 18-18-428); or • Illegal possession of marijuana paraphernalia by an underage person (C.R.S.A. § 18-13-122).
Protection as to other crimes/violations	<p>An eligible person is immune from arrest and prosecution from the offense of transferring or dispensing two ounces or less of marijuana from one person to another for no consideration (C.R.S.A. § 18-18-406(5)(c)).</p>

<u>COLORADO</u>	
Requirement(s) for the protection to apply	<ul style="list-style-type: none"> • Person who reports remains at the scene of the event until a law enforcement officer or an emergency medical responder arrives, or the person remains at the facilities of the medical provider until a law enforcement officer arrives. • Person who reports identifies himself or herself to, and cooperates with, the law enforcement officer, emergency medical responder, or medical provider. • Offense arises from the same course of events from which the emergency drug or alcohol overdose event arose.
Exception(s) to protection	The existence of the protection does prohibit the prosecution of a person for an offense not covered by the protection or limit the ability of a district attorney or a law enforcement officer to obtain or use evidence obtained from a report, recording, or any other statement provided to investigate and prosecute such an offense.
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A
Other provisions of note	None.
DIH or DDRD provision in state law	C.R.S.A. § 18-3-102(e) (effective as amended August 2, 2019).
Classification of DIH/DRDD offense	First degree murder.
Circumstance(s) when DIH/DRDD applies	When a person commits unlawful distribution, dispensation, or sale of a controlled substance to a person under age 18 on school grounds as provided in C.R.S.A § 18-18-407(2) or § 18-18-407(1)(g)(I) (for offenses committed on or after October 1, 2013), and the death of such person is caused by the use of such controlled substance.
Affirmative defense of DIH/DRDD offense	None.

<u>CONNECTICUT</u>	
Statute(s)	<ul style="list-style-type: none"> • C.G.S.A. § 21a-279 (protection as to drug possession). • C.G.S.A. § 21a-267 (protection as to drug paraphernalia).
Initial effective date(s)	October 1, 2011 for both statutes.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who in good faith seeks medical assistance for another person who is experiencing an overdose from the ingestion, inhalation, or injection of alcohol or any drug or substance. • Person for whom another person, in good faith, seeks medical assistance, reasonably believing such person is experiencing an overdose from the ingestion, inhalation, or injection of intoxicating liquor or any drug or substance. • Person who reasonably believes he or she is experiencing an overdose from the ingestion, inhalation, or injection of alcohol or any drug or substance and, in good faith, seeks medical assistance for himself or herself.
Protection as to controlled substance possession crimes	Provision making the illegal possession of any controlled substance a class A misdemeanor (C.G.S.A. § 21a-279(a)) does not apply to an eligible person.
Protection as to drug paraphernalia crimes	Provision making the use or possession with intent to use drug paraphernalia a class C misdemeanor (C.G.S.A. § 21a-267(a)) does not apply to an eligible person.
Protection as to other crimes/violations	None.
Requirement(s) for the protection to apply	Evidence of the use or possession in violation of the penalty must be obtained as a result of the seeking of medical assistance.
Exception(s) to protection	<ul style="list-style-type: none"> • Violations occurring on or within 1,500 feet a public or private elementary or secondary school by a person who is not enrolled as a student in such school do not fall under the protection. • Existence of the protection does not alter the penalty under Connecticut law for the illegal manufacture, distribution, sale, prescription, or administration of illegal drugs by non-drug-dependent person (C.G.S.A. § 21a-278). • “Good faith” does not include seeking medical assistance during the course of the execution of an arrest warrant or search warrant or a lawful search.
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A

<u>CONNECTICUT</u>	
Other provisions of note	None.
DIH or DDRD provision in state law	No.
Classification of DIH/DDRDR offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DDRDR offense	N/A

<u>DELAWARE</u>	
Statute(s)	16 Del.C. § 4769.
Initial effective date(s)	August 31, 2013.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who is experiencing an overdose or other life-threatening medical emergency. • Anyone seeking medical attention for that person. <p>The law defines the term “overdose” as a condition resulting from alcohol, a controlled substance, another substance with which a controlled substance was combined, a noncontrolled prescription drug, or any combination of these.</p>
Protection as to controlled substance possession crimes	<p>An eligible person may not be arrested, charged, or prosecuted for any offense from which they have received immunity. The immunity applies to all offenses in Chapter 47 (“Uniform Controlled Substances Act”) that are not a class A, B, or C felonies, including but not limited to:</p> <ul style="list-style-type: none"> • Illegal possession and delivery of noncontrolled prescription drugs (16 Del.C. § 4761); • Possession of controlled substances or counterfeit controlled substances (16 Del.C. § 4763); • Possession of marijuana (16 Del.C. § 4764); and • Certain miscellaneous drug crimes (in 16 Del.C. § 4767).
Protection as to drug paraphernalia crimes	<p>An eligible person may not be arrested, charged, or prosecuted for any offense from which they have received immunity. The immunity applies to all offenses in Chapter 47 (“Uniform Controlled Substances Act”) that are not class A, B, or C felonies, including but not limited to the possession of drug paraphernalia (16 Del.C. §§ 4762(c), 4771).</p>
Protection as to other crimes/violations	<p>An eligible person may not be arrested, charged, or prosecuted for any offense from which they have received immunity. The immunity applies to all offenses in Chapter 47 (“Uniform Controlled Substances Act”) that are not class A, B, or C felonies, including but not limited to:</p> <ul style="list-style-type: none"> • Certain miscellaneous drug crimes (in 16 Del.C. § 4767); and • Offenses relating to underage drinking (4 Del.C. § 904(b), (c), (e), and (f)). <p>An eligible person may not be subject to the revocation or modification of the conditions of probation.</p>

<u>DELAWARE</u>	
Requirement(s) for the protection to apply	<ul style="list-style-type: none"> • Person seeking medical attention reports in good faith the emergency to law enforcement, the 911 system, a poison control center, or a medical provider, or the person in good faith assists someone so reporting. • Person provides all relevant medical information as to the cause of the overdose or other life-threatening medical emergency that the person possesses at the scene of the event when the medical provider arrives, or when the person is at the facilities of the medical provider.
Exception(s) to protection	The existence of the protection does not prohibit the prosecution of a person for an offense other than one for which they have been granted immunity or limit law enforcement from obtaining or using evidence obtained from a report, recording, or any other statement to investigate and prosecute an offense not covered by the immunity.
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A
Other provisions of note	Forfeiture of any alcohol, substance, or paraphernalia referenced in this section is allowed pursuant to 16 Del.C. § 4784.
DIH or DDRD provision in state law	16 Del.C. § 4752B (effective July 21, 2016).
Classification of DIH/DRDD offense	Class B felony.
Circumstance(s) when DIH/DRDD applies	When a person delivers a Schedule I or II controlled substance in Tier 1 or greater quantity to another person in violation of Chapter 47 (“Uniform Controlled Substances Act”) and said controlled substance thereafter causes the death of another person who uses or consumes it.
Affirmative defense of DIH/DRDD offense	Defendant made a good faith effort to promptly seek, provide, or obtain emergency medical or law enforcement assistance to another person who was experiencing a medical emergency after using a Schedule I or II controlled substance, and whose death would otherwise form the basis for criminal liability.

<u>DISTRICT OF COLUMBIA</u>	
Statute(s)	DC ST § 7-403.
Initial effective date(s)	March 19, 2013.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who reasonably believes that he or she is experiencing a drug or alcohol-related overdose and in good faith seeks health care for himself or herself. • Person who reasonably believes that another person is experiencing a drug or alcohol-related overdose and in good faith seeks health care for that person. • Person who is reasonably believed to be experiencing a drug or alcohol-related overdose and for whom health care is sought. <p>The law defines the term “overdose” as a condition resulting from the use of drugs or alcohol.</p>
Protection as to controlled substance possession crimes	With respect to an eligible person, the unlawful possession of a controlled substance (DC ST § 48-904.01(d)) is not considered a crime.
Protection as to drug paraphernalia crimes	<p>With respect to an eligible person, the following offenses are not considered crimes:</p> <ul style="list-style-type: none"> • Unlawful use or possession with intent to use drug paraphernalia (DC ST § 48-1103(a)); and • Unlawful possession of drug paraphernalia with the intent to use it for the administration of a controlled substance (DC ST § 48-904.10).
Protection as to other crimes/violations	<p>With respect to an eligible person, the following offenses are not considered crimes:</p> <ul style="list-style-type: none"> • Possession of alcohol by persons under age 21 (DC ST § 25-1002); • Provided that the minor is at least 16 years of age and the provider is 25 years of age or younger: <ul style="list-style-type: none"> ○ Purchasing an alcoholic beverage for the purpose of delivering it to a person under 21 years of age (DC ST § 25-785(a)); ○ Contributing to the delinquency of a minor with regard to possessing or consuming alcohol or, without a prescription, a controlled substance (DC ST § 22-811(a)(2)); or ○ Sale or delivery of an alcoholic beverage to a person under 21 years of age (DC ST § 25-781(a)(1)). <p>An offense not considered a crime may not serve as the sole basis for revoking or modifying a person’s supervision status (as that term is defined in the law).</p>

<u>DISTRICT OF COLUMBIA</u>	
Requirement(s) for the protection to apply	Evidence of the offenses must arise from the same circumstances as the seeking of health care.
Exception(s) to protection	<ul style="list-style-type: none"> • Existence of the protection does not prohibit a person from being arrested, charged, or prosecuted, or from having his or her supervision status modified or revoked, based on an offense not covered by the protection, regardless of whether or not it arises from the same set of circumstances. • “Good faith” does not include the seeking of health care as a result of using drugs or alcohol in connection with the execution of an arrest warrant or search warrant or a lawful arrest or search.
Reporting overdose a mitigating factor in sentencing	Yes.
Offenses subject to mitigation	Drug or alcohol-related offenses for which no protection is provided.
Circumstance(s) when mitigation applies	Seeking health care for a person reasonably believed to be suffering a drug or alcohol-related overdose.
Other provisions of note	A law enforcement officer who arrests an individual for an offense covered by the protection shall not be subject to criminal prosecution, or civil liability for false arrest or false imprisonment, if the officer made the arrest based on probable cause.
DIH or DDRD provision in state law	DC ST § 22-2101 (effective September 26, 1992).
Classification of DIH/DRDD offense	First degree murder.
Circumstance(s) when DIH/DRDD applies	When a person kills another purposely, either by deliberate and premeditated malice or by means of poison, while perpetrating or attempting to perpetrate a felony involving a controlled substance.
Affirmative defense of DIH/DRDD offense	None.

<u>FLORIDA</u>	
Statute(s)	<ul style="list-style-type: none"> • F.S.A. § 562.112 (protections as to alcohol-related crimes). • F.S.A. § 893.21 (protections as to drug crimes). • F.S.A. § 921.0026(n) (mitigating factors in sentencing).
Initial effective date(s)	October 1, 2012 for F.S.A. §§ 893.21 and 921.0026(n). July 1, 2019 for F.S.A. § 562.112.
Substantive amendments to law(s)	<p>F.S.A. § 893.21 amended on July 1, 2019 as follows:</p> <ul style="list-style-type: none"> • Added protection for arrest in addition to charge and prosecution; • Added protection for use and possession of drug paraphernalia, in addition to possession of a controlled substance; • Added protections for pretrial, probation, and parole conditions; • Added protections for underage possession of alcohol and selling alcohol to an underage person; and • Expanded protection to cover alcohol-related overdose.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person acting in good faith who seeks medical assistance for an individual experiencing, or believed to be experiencing, an alcohol-related or a drug-related overdose. • Person who experiences, or has a good faith belief that he or she is experiencing, an alcohol-related or a drug-related overdose and is in need of medical assistance.
Protection as to controlled substance possession crimes	An eligible person may not be arrested, charged, prosecuted, or penalized for the possession of a controlled substance (F.S.A. § 893.13(6)).
Protection as to drug paraphernalia crimes	An eligible person may not be arrested, charged, prosecuted, or penalized for the use or possession of drug paraphernalia (F.S.A. § 893.147(1)).
Protection as to other crimes/violations	<ul style="list-style-type: none"> • Eligible person may not be penalized for a violation of a condition of pretrial release, probation, or parole. • Eligible person may not be arrested, charged, prosecuted, or penalized for a violation of selling alcohol to an underage person (F.S.A. § 562.11) or underage possession of alcohol (F.S.A. § 562.111).
Requirement(s) for the protection to apply	Evidence for the offense or violation must have been obtained as a result of the person seeking medical assistance.
Exception(s) to protection	The protection for possession or use of controlled substance does not apply to the possession of more than 10 grams of certain controlled substances as described in F.S.A. § 893.13(6)(c).
Reporting overdose a mitigating factor in sentencing	Yes.
Offenses subject to mitigation	Any felony offense, except any capital felony, committed on or after October 1, 1998.

<u>FLORIDA</u>	
Circumstance(s) when mitigation applies	When the defendant makes a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose.
Other provisions of note	None.
DIH or DDRD provision in state law	F.S.A. § 782.04(1)(a)(3) (effective as amended October 1, 2017).
Classification of DIH/DRDD offense	First degree murder and constitutes a capital felony.
Circumstance(s) when DIH/DRDD applies	A death which resulted from the unlawful distribution by a person 18 years of age or older of any of the following substances or mixture containing any of the following substances, when such substance or mixture is proven to be the proximate cause of the death of the user: (1) any Schedule I substance; (2) cocaine; (3) opium or any synthetic or natural salt, compound, derivative, or preparation of opium; (4) methadone; (5) alfentanil; (6) carfentanil; (7) fentanyl; (8) sufentanil; or (9) a controlled substance analog of any substance specified in this list.
Affirmative defense of DIH/DRDD offense	None.

<u>GEORGIA</u>	
Statute(s)	Ga. Code Ann. § 16-13-5.
Initial effective date(s)	April 24, 2014.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who in good faith seeks medical assistance for a person experiencing a drug overdose. • Person who is experiencing a drug overdose and, in good faith, seeks medical assistance for himself or herself, or is the subject of such a request. <p>The law defines the phrases “drug overdose,” “medical assistance,” and “seeks medical assistance.” A “drug overdose” is a condition resulting from the use of a controlled substance or dangerous drug.</p>
Protection as to controlled substance possession crimes	<p>An eligible person may not be arrested, charged, or prosecuted for a “drug violation,” which is defined to include:</p> <ul style="list-style-type: none"> • Possession of a controlled substance if the aggregate weight, including any mixture, is less than four grams of a solid substance, less than one milliliter of liquid substance, or if the substance is placed onto a secondary medium with a combined weight of less than four grams (Ga. Code. Ann. § 16-13-30(a)); and. • Possession of less than one ounce of marijuana (Ga. Code. Ann. § 16-13-30(j)(1)).
Protection as to drug paraphernalia crimes	<p>An eligible person may not be arrested, charged, or prosecuted for a “drug violation,” which is defined to include the possession and use of drug-related objects (Ga. Code Ann. § 16-13-32.2).</p>
Protection as to other crimes/violations	<p>An eligible person is not subject to:</p> <ul style="list-style-type: none"> • Penalties for violation of a permanent or temporary protective order or restraining order; or • Sanctions for a violation of a condition of pretrial release, condition of probation, or condition of parole based on a drug violation.
Requirement(s) for the protection to apply	<p>Evidence for the arrest, charge, or prosecution of such drug violation must have resulted solely from the seeking of medical assistance.</p>
Exception(s) to protection	<p>The existence of the protection does not limit:</p> <ul style="list-style-type: none"> • Admissibility of any evidence in connection with the investigation or prosecution of a crime or a defendant that is not subject to the protection; • Any seizure of evidence or contraband otherwise permitted by law; or • Authority of a law enforcement officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense not subject to the protection.

<u>GEORGIA</u>	
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A
Other provisions of note	None.
DIH or DDRD provision in state law	No.
Classification of DIH/DRDD offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DRDD offense	N/A

<u>HAWAII</u>	
Statute(s)	HRS § 329-43.6.
Initial effective date(s)	July 7, 2015.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person or persons who, in good faith, seek medical assistance for someone who is experiencing a drug or alcohol overdose. • Person experiencing a drug or alcohol overdose who seeks medical assistance for himself or herself or is the subject of such a good faith request. <p>The law defines the terms “drug or alcohol overdose” and “seeks medical assistance.” A “drug or alcohol overdose” is a condition resulting from the use of a controlled substance, alcohol, or another substance combined with one of these.</p>
Protection as to controlled substance possession crimes	An eligible person shall not be arrested, charged, prosecuted, or convicted; have their property subject to forfeiture; or otherwise be penalized for the possession of a controlled substance.
Protection as to drug paraphernalia crimes	An eligible person shall not be arrested, charged, prosecuted, or convicted; have their property subject to forfeiture; or otherwise be penalized for the possession of drug paraphernalia.
Protection as to other crimes/violations	An eligible person shall not be arrested, charged, prosecuted, or convicted; have his or her property subject to forfeiture; or otherwise be penalized for: <ul style="list-style-type: none"> • Violation of a restraining order; • Violation of probation or parole; or • Committing a prohibited act under HRS §§ 281-101.5 or 712-1250.5 (providing alcohol to a person under the age of 21).
Requirement(s) for the protection to apply	Evidence for the arrest, charge, prosecution, conviction, seizure, or penalty must have been gained as a result of the seeking of medical assistance.
Exception(s) to protection	None.
Reporting overdose a mitigating factor in sentencing	Yes.
Offenses subject to mitigation	Any controlled substance or alcohol-related criminal prosecution not covered by the Good Samaritan protection.
Circumstance(s) when mitigation applies	Act of seeking medical assistance for someone who is experiencing a drug or alcohol overdose.
Other provisions of note	None.
DIH or DDRD provision in state law	No.

<u>HAWAII</u>	
Classification of DIH/DDRDR offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DDRDR offense	N/A

<u>IDAHO</u>	
Statute(s)	I.C. § 37-2739C.
Initial effective date(s)	July 1, 2018.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person acting in good faith who seeks medical assistance for any person experiencing a drug-related medical emergency. • Person who experiences a drug-related medical emergency and is in need of medical assistance.
Protection as to controlled substance possession crimes	An eligible person may not be charged or prosecuted for possession of a controlled substance (I.C. § 37-2732(c), (e)) or for using or being under the influence of a controlled substance (I.C. § 37-2732C(a)).
Protection as to drug paraphernalia crimes	An eligible person may not be charged or prosecuted for using or possessing with intent to use drug paraphernalia (I.C. § 37-2734A(1)).
Protection as to other crimes/violations	None.
Requirement(s) for the protection to apply	Evidence of the charge must have been obtained as a result of the medical emergency and the need for medical assistance.
Exception(s) to protection	The existence of the protection is not grounds for suppression of evidence in other criminal charges.
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A
Other provisions of note	None.
DIH or DDRD provision in state law	No.
Classification of DIH/DDRDR offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DDRDR offense	N/A

<u>ILLINOIS</u>	
Statute(s)	<ul style="list-style-type: none"> • 720 ILCS 570/414 (Good Samaritan protections for Class 4 felony possession). • 720 ILCS 646/115 (Good Samaritan protections for Class 3 felony possession of methamphetamine). • 730 ILCS 5/5-5-3.1(14) (mitigating factor in sentencing).
Initial effective date(s)	June 1, 2012 for all statutes.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who, in good faith, seeks or obtains emergency medical assistance for someone experiencing an overdose. • Person who is experiencing an overdose. <p>The law defines the term “overdose.” With respect to 720 ILCS 570/414, “overdose” relates to a controlled substance-induced event. The protection afforded by 720 ILCS 646/115 must relate to a methamphetamine-induced event.</p>
Protection as to controlled substance possession crimes	<ul style="list-style-type: none"> • Eligible person receives a limited immunity and may not be charged or prosecuted for Class 4 felony possession of a controlled, counterfeit, or look-alike substance or a controlled substance analog with respect to the following amounts: <ul style="list-style-type: none"> ○ Less than 3 grams of heroin, cocaine, morphine; ○ Less than 40 grams of peyote; ○ Less than 40 grams of a substance containing a derivative of barbituric acid or amphetamine; ○ Less than 3 grams of a substance containing lysergic acid diethylamide (LSD), or an analog thereof; ○ Less than 6 grams of a substance containing pentazocine or an analog thereof; ○ Less than 6 grams of a substance containing methaqualone, phencyclidine (PCP) or ketamine ○ Less than 40 grams of a substance containing a substance classified as a narcotic drug in Schedules I or II, or an analog thereof, not already listed. • Eligible person receives a limited immunity and may not be charged or prosecuted for Class 3 felony possession of methamphetamine provided that the amount of substance recovered is less than one gram of methamphetamine.
Protection as to drug paraphernalia crimes	None.
Protection as to other crimes/violations	None.
Requirement(s) for the protection to apply	Evidence for the charge must have been acquired as a result of the person seeking or obtaining emergency medical assistance.

<u>ILLINOIS</u>	
Exception(s) to protection	<ul style="list-style-type: none"> Limited immunity is not extended if law enforcement has reasonable suspicion or probable cause to detain, arrest, or search the person for criminal activity and the reasonable suspicion or probable cause is based on information obtained prior to or independent of the individual taking action to seek or obtain emergency medical assistance and not obtained as a direct result of the action of seeking or obtaining emergency medical assistance. Existence of the protection does not interfere with or prevent the investigation, arrest, or prosecution of any person for the delivery or distribution of cannabis, methamphetamine or other controlled substances, drug-induced homicide, or any other crime.
Reporting overdose a mitigating factor in sentencing	Yes.
Offenses subject to mitigation	<ul style="list-style-type: none"> Class 3 felony or higher possession, manufacture, or delivery of a controlled, counterfeit, or look-alike substance or a controlled substance analog under the Illinois Controlled Substances Act. Class 2 felony or higher possession, manufacture, or delivery of methamphetamine under the Methamphetamine Control and Community Protection Act.
Circumstance(s) when mitigation applies	The defendant sought or obtained emergency medical assistance for an overdose.
Other provisions of note	None.
DIH or DDRD provision in state law	720 ILCS 5/9-3.3 (effective as amended January 1, 2018).
Classification of DIH/DRRD offense	Drug-induced homicide, which is a Class X felony.

<u>ILLINOIS</u>	
Circumstance(s) when DIH/DRDD applies	<ul style="list-style-type: none"> • Person violates Section 401 of the Illinois Controlled Substances Act¹ or Section 55 of the Methamphetamine Control and Community Protection Act by unlawfully delivering a controlled substance to another, and any person’s death is caused by the injection, inhalation, absorption, or ingestion of any amount of that controlled substance. • Person violates the law of another jurisdiction, which if the violation had been committed in this state could be charged under Section 401 of the Illinois Controlled Substances Act or Section 55 of the Methamphetamine Control and Community Protection Act, by unlawfully delivering a controlled substance to another, and any person’s death is caused in the state by the injection, inhalation, absorption, or ingestion of any amount of that controlled substance.
Affirmative defense of DIH/DRDD offense	None.

<u>INDIANA</u>	
Statute(s)	<ul style="list-style-type: none"> • IC 16-42-27-2(d), (g), (h) (Good Samaritan protections). • IC 35-38-1-7.1(b)(12) (mitigating factor for sentencing).
Initial effective date(s)	March 21, 2016 and March 26, 2014, respectively.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	An individual who: (1) obtains an overdose intervention drug from a prescriber or pursuant to a standing order; (2) administers the overdose intervention drug to an individual who appears to be experiencing an opioid-related overdose; and (3) attempts to summon emergency services immediately before or after administering the drug.
Protection as to controlled substance possession crimes	<p>A law enforcement officer may not take an eligible individual into custody, and that individual is immune from criminal prosecution, for the following offenses:</p> <ul style="list-style-type: none"> • Possession of cocaine (IC 35-48-4-6); • Possession of methamphetamine (IC 35-48-4-6.1); • Possession of a controlled substance (IC 35-48-4-7); • Possession of marijuana (IC 35-48-4-11); and • Possession of a synthetic drug, controlled substance analog, or substance represented to be a controlled substance (IC 35-48-4).
Protection as to drug paraphernalia crimes	A law enforcement officer may not take an eligible individual into custody, and that individual is immune from criminal prosecution, for possession of paraphernalia (IC 35-48-4-8.3).
Protection as to other crimes/violations	None.
Requirement(s) for the protection to apply	<p>Eligible individual must:</p> <ul style="list-style-type: none"> • Provide the law enforcement officer with his or her full name and any other relevant information requested; • Remain at the scene with the individual who reasonably appeared to be in need of medical assistance until emergency medical assistance arrived; and • Cooperate with emergency medical assistance personnel and law enforcement officers at the scene. <p>Law enforcement contact occurred because of the request for emergency medical assistance for another.</p>
Exception(s) to protection	None.
Reporting overdose a mitigating factor in sentencing	Yes.
Offenses subject to mitigation	Crimes related to a controlled substance.

<u>INDIANA</u>	
Circumstance(s) when mitigation applies	The person's arrest or prosecution was facilitated in part because the person: (1) requested emergency medical assistance; or (2) acted in concert with another person who requested emergency medical assistance, with respect to an individual who reasonably appeared to be in need of medical assistance due to the use of alcohol or a controlled substance.
Other provisions of note	None.
DIH or DDRD provision in state law	No.
Classification of DIH/DRDD offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DRDD offense	N/A

<u>IOWA</u>	
Statute(s)	I.C.A. § 124.418.
Initial effective date(s)	July 1, 2018.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> Overdose patient, defined as person who is, or would reasonably be perceived to be, suffering from a drug-related overdose and who has not previously received immunity under I.C.A. § 124.418. Overdose reporter, defined as a person who seeks medical assistance for an overdose patient and who has not previously received immunity under I.C.A. § 124.418. <p>The law defines the phrase “drug-related overdose” as a condition resulting from the use of a controlled substance.</p>
Protection as to controlled substance possession crimes	<p>Protected information means information or evidence collected or derived as a result of: (1) an overdose patient’s good-faith actions to seek medical assistance while experiencing a drug-related overdose; or (2) an overdose reporter’s good-faith actions to seek medical assistance for an overdose patient experiencing a drug-related overdose. Protected information may not be considered to support probable cause and is not admissible as evidence against an overdose patient or overdose reporter for any of the following offenses:</p> <ul style="list-style-type: none"> Delivery of a controlled substance under I.C.A. § 124.401(1), if the delivery involved sharing the controlled substance without profit; and Possession of a controlled substance under I.C.A. § 124.401(5).
Protection as to drug paraphernalia crimes	<p>Protected information may not be considered to support probable cause and is not admissible as evidence against an overdose patient or overdose reporter for a drug paraphernalia violation under I.C.A. § 124.414.</p>
Protection as to other crimes/violations	<ul style="list-style-type: none"> Protected information may not be considered to support probable cause and is not admissible as evidence against an overdose patient or overdose reporter for a violation of I.C.A. § 124.407 (gatherings where controlled substances unlawfully used). Person’s pretrial release, probation, supervised release, or parole may not be revoked based on protected information.

<u>IOWA</u>	
Requirement(s) for the protection to apply	<p>With respect to an overdose reporter, the person must:</p> <ul style="list-style-type: none"> • Be the first person to seek medical assistance for the overdose patient; • Provide his or her name and contact information to medical or law enforcement personnel; • Remain on the scene until assistance arrives or is provided; and • Cooperate with medical and law enforcement personnel.
Exception(s) to protection	<ul style="list-style-type: none"> • Definitions of “overdose patient” and “overdose reporter” serve to limit the application of the protection to one instance. • Existence of the protection does not: <ul style="list-style-type: none"> ○ Preclude an investigation by law enforcement of the drug-related overdose where medical assistance was provided; ○ Limit or bar the use or admissibility of any evidence or information obtained in connection with the investigation of the drug-related overdose in the investigation or prosecution of other violations which do not qualify for protection; or ○ Preclude the investigation or prosecution of any person on the basis of evidence obtained from sources other than the specific drug-related overdose where medical assistance was provided. • Person cannot seek medical assistance during the execution of an arrest warrant, search warrant, or other lawful search.
Reporting overdose a mitigating factor in sentencing	Yes.
Offenses subject to mitigation	Any criminal prosecution.
Circumstance(s) when mitigation applies	When an individual provides first aid or other medical assistance to someone who is experiencing a drug-related overdose.
Other provisions of note	None.
DIH or DDRD provision in state law	No.
Classification of DIH/DRDD offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DRDD offense	N/A

<u>KANSAS</u>	
Statute(s)	No state law explicitly pertaining to Good Samaritan fatal overdose prevention.
Initial effective date(s)	N/A
Substantive amendments to law(s)	N/A
Individual(s) eligible for GS protection	N/A
Protection as to controlled substance possession crimes	N/A
Protection as to drug paraphernalia crimes	N/A
Protection as to other crimes/violations	N/A
Requirement(s) for the protection to apply	N/A
Exception(s) to protection	N/A
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A
Other provisions of note	None.
DIH or DDRD provision in state law	K.S.A. 21-5430 (effective July 1, 2013).
Classification of DIH/DDRDR offense	Distribution of a controlled substance causing death, a nondrug severity level 1, person felony.
Circumstance(s) when DIH/DRDD applies	Individual distributes a controlled substance in violation of K.S.A. § 21-5705 and death results from the use of such controlled substance.
Affirmative defense of DIH/DDRDR offense	None.

<u>KENTUCKY</u>	
Statute(s)	KRS § 218A.133.

<u>KENTUCKY</u>	
Initial effective date(s)	March 25, 2015.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who in good faith requests emergency medical assistance, with respect to a drug overdose, for himself or herself or another person. • Person who in good faith acts in concert with another person who requests emergency medical assistance with respect to a drug overdose. • Person who appears to be in need of emergency medical assistance for a drug overdose and is the individual for whom the request is made. <p>The law defines the phrase “drug overdose” as a condition resulting from the use of a controlled substance or another substance combined with one.</p>
Protection as to controlled substance possession crimes	An eligible person may not be charged or prosecuted for a criminal offense prohibiting the possession of a controlled substance.
Protection as to drug paraphernalia crimes	An eligible person may not be charged or prosecuted for a criminal offense prohibiting the possession of drug paraphernalia.
Protection as to other crimes/violations	None.
Requirement(s) for the protection to apply	<ul style="list-style-type: none"> • Person requesting medical assistance must remain with the individual who appears to be experiencing a drug overdose until the requested assistance is provided. • Evidence for the charge or prosecution must be obtained as a result of the drug overdose and the need for medical assistance.
Exception(s) to protection	<ul style="list-style-type: none"> • Existence of the protection does not extend to the investigation and prosecution of any other crimes committed by a person who otherwise qualifies for the protection. • “Good faith” does not include seeking medical assistance during the execution of an arrest warrant, or search warrant, or a lawful search.
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A

<u>KENTUCKY</u>	
Other provisions of note	<ul style="list-style-type: none"> • When available, contact information for the person who requested emergency medical assistance will be reported to the local health department for the purpose of having the department contact the person and offer referrals regarding substance use disorder treatment, if appropriate. • Law enforcement officer who makes an arrest in contravention of KRS § 218A.133 is not criminally or civilly liable for false arrest or false imprisonment if the arrest was based on probable cause.
DIH or DDRD provision in state law	No.
Classification of DIH/DDRDR offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DDRDR offense	N/A

<u>LOUISIANA</u>	
Statute(s)	LSA-R.S. 14:403.10.
Initial effective date(s)	August 1, 2014.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person acting in good faith who seeks medical assistance for an individual experiencing a drug-related overdose. • Person who experiences a drug-related overdose and needs medical assistance.
Protection as to controlled substance possession crimes	An eligible person may not be charged, prosecuted, or penalized for possession of a controlled dangerous substance under the Uniform Controlled Dangerous Substances Law.
Protection as to drug paraphernalia crimes	None.
Protection as to other crimes/violations	None.
Requirement(s) for the protection to apply	Evidence for the possession of a controlled dangerous substance must have been obtained as a result of the person's seeking medical assistance.
Exception(s) to protection	<ul style="list-style-type: none"> • Person seeking medical assistance for another experiencing a drug-related overdose will not be granted protection if the person illegally provided or administered the controlled dangerous substance to the person experiencing the overdose. • The existence of the protection is not grounds for suppression of evidence in other criminal prosecutions.
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A
Other provisions of note	None.
DIH or DDRD provision in state law	LSA-R.S. 14:30.1(A)(3), (4) (effective as amended June 26, 2009).
Classification of DIH/DDRD offense	Second degree murder.

<u>LOUISIANA</u>	
Circumstance(s) when DIH/DRDD applies	<ul style="list-style-type: none"> • Offender unlawfully distributes or dispenses a controlled dangerous substance (listed in Schedules I through V) which is the direct cause of the death of the recipient who ingested or consumed the substance. • Offender unlawfully distributes or dispenses a controlled dangerous substance (listed in Schedules I through V) to another who subsequently distributes or dispenses such substance which is the direct cause of the death of the person who ingested or consumed it.
Affirmative defense of DIH/DDRDR offense	None.

<u>MAINE</u>	
Statute(s)	17-A M.R.S.A. § 1111-B.
Initial effective date(s)	September 19, 2019.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who in good faith seeks medical assistance for another person experiencing a drug-related overdose. • Person who in good faith administers naloxone to another person experiencing a drug-related overdose. • Person who is experiencing a drug-related overdose and is in need of medical assistance.
Protection as to controlled substance possession crimes	An eligible person may not be arrested or prosecuted for the offense of possession of scheduled drugs (17-A M.R.S.A. § 1107-A).
Protection as to drug paraphernalia crimes	An eligible person may not be arrested or prosecuted for the offenses of: <ul style="list-style-type: none"> • Illegal possession of hypodermic apparatuses (17-A M.R.S.A. § 1111); or • Use of drug paraphernalia (17-A M.R.S.A. § 1111-A).
Protection as to other crimes/violations	An eligible person may not be arrested or prosecuted for: <ul style="list-style-type: none"> • Offense of acquiring drugs by deception (17-A M.R.S.A. § 1108); or • Violation of probation (as authorized in chapter 49).
Requirement(s) for the protection to apply	Grounds for the arrest or prosecution must have been obtained as a result of the person's seeking medical assistance or experiencing a drug-related overdose.
Exception(s) to protection	None.
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A
Other provisions of note	None.
DIH or DDRD provision in state law	No.
Classification of DIH/DRDD offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A

<u>MAINE</u>	
Affirmative defense of DIH/DDRD offense	N/A

<u>MARYLAND</u>	
Statute(s)	MD Code, Criminal Procedure, § 1-210.
Initial effective date(s)	October 1, 2009 (mitigating factor in sentencing).
Substantive amendments to law(s)	Initial Good Samaritan protections added effective October 1, 2014. Protections against sanctions for a violation of a condition of pretrial release, probation, or parole added effective October 1, 2015.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who, in good faith, seeks, provides, or assists with the provision of medical assistance for a person reasonably believed to be experiencing a medical emergency after using alcohol or drugs. • Person who reasonably believes he or she is experiencing a medical emergency after using alcohol or drugs.
Protection as to controlled substance possession crimes	An eligible person is immune from criminal arrest, charge, or prosecution for the offenses of possessing or administering a controlled dangerous substance (MD Code, Criminal Law, § 5-601).
Protection as to drug paraphernalia crimes	An eligible person is immune from criminal arrest, charge, or prosecution for the offenses of possession of drug paraphernalia (MD Code, Criminal Law, § 5-619) or controlled paraphernalia (MD Code, Criminal Law, § 5-620).
Protection as to other crimes/violations	<ul style="list-style-type: none"> • Eligible person is immune from criminal arrest, charge, or prosecution for the offenses of: <ul style="list-style-type: none"> ○ Possession and consumption of alcoholic beverages by an individual under the age of 21 (MD Code, Criminal Law, § 10-114); ○ Obtaining an alcoholic beverage for a person that is under the age of 21 (MD Code, Criminal Law, § 10-116); or ○ Furnishing for or allowing underage alcohol consumption (MD Code, Criminal Law, § 10-117). • Eligible person may not be sanctioned for a violation of a condition of pretrial release, probation, or parole.
Requirement(s) for the protection to apply	Evidence for the offense must have been obtained solely as a result of the need for medical assistance.
Exception(s) to protection	None.
Reporting overdose a mitigating factor in sentencing	Yes.
Offenses subject to mitigation	Mitigating factor in any criminal prosecution.
Circumstance(s) when mitigation applies	When a person seeks medical assistance for another person who is experiencing a medical emergency after using alcohol or drugs.

<u>MARYLAND</u>	
Other provisions of note	None.
DIH or DDRD provision in state law	No.
Classification of DIH/DDRDR offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DDRDR offense	N/A

<u>MASSACHUSETTS</u>	
Statute(s)	M.G.L.A. 94C § 34A.
Initial effective date(s)	August 2, 2012.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who, in good faith, seeks medical assistance for someone experiencing a drug-related overdose. • Person who experiences a drug-related overdose, is in need of medical assistance, and, in good faith, seeks such medical assistance, or is the subject of such a good faith request for medical assistance.
Protection as to controlled substance possession crimes	An eligible person may not be charged or prosecuted for possession of a controlled substance (M.G.L.A. 94C § 34).
Protection as to drug paraphernalia crimes	None.
Protection as to other crimes/violations	An eligible person may not be found in violation of a condition of probation or pretrial release as determined by a court or a condition of parole, as determined by the parole board.
Requirement(s) for the protection to apply	Evidence for the charge of possession of a controlled substance or violation must have been gained as a result of the overdose and the need for medical assistance.
Exception(s) to protection	The existence of the protection does not prevent anyone from being charged with trafficking, distribution, or possession of a controlled substance with intent to distribute.
Reporting overdose a mitigating factor in sentencing	Yes.
Offenses subject to mitigation	Criminal prosecution under the Controlled Substance Act.
Circumstance(s) when mitigation applies	When medical assistance is sought for someone who is experiencing a drug-related overdose.
Other provisions of note	None.
DIH or DDRD provision in state law	No.
Classification of DIH/DDRDR offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DDRDR offense	N/A

<u>MICHIGAN</u>	
Statute(s)	<ul style="list-style-type: none"> • M.C.L.A. 333.7403 (Good Samaritan protections for possession of a controlled substance). • M.C.L.A. 333.7404 (Good Samaritan protections for use of a controlled substance).
Initial effective date(s)	March 15, 2016 for both statutes.
Substantive amendments to law(s)	Both provisions originally only applied to individuals under the age of 21. An amendment enacted January 4, 2017 expanded the protection provisions to individuals of any age.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Individual who seeks medical assistance for himself or herself or who requires medical assistance and is presented for assistance by another individual if he or she is incapacitated because of a drug overdose or other perceived medical emergency arising from the use of a controlled substance or a controlled substance analogue that he or she possesses or possessed in an amount sufficient only for personal use. • Individual who in good faith attempts to procure medical assistance for another individual or who accompanies another individual who requires medical assistance for a drug overdose or other perceived medical emergency arising from the use of a controlled substance or a controlled substance analogue that he or she possesses or possessed in an amount sufficient only for personal use. <p>The law defines the terms “drug overdose” and “seeks medical assistance.” A “drug overdose” is a condition that results from the use of a controlled substance, controlled substance analogue, or another substance combined with one of these.</p>
Protection as to controlled substance possession crimes	An eligible person is not in violation of the sections prohibiting the knowing or intentional possession or use of a controlled substance or controlled substance analogue.
Protection as to drug paraphernalia crimes	None.
Protection as to other crimes/violations	None.
Requirement(s) for the protection to apply	Evidence of the offense must have been obtained as a result of the individual’s seeking or being presented for medical assistance.
Exception(s) to protection	The existence of the protection does not prevent the investigation, arrest, charging, or prosecution of an individual for any other violation of state law or grounds for suppression of evidence in the prosecution of any other criminal charges.
Reporting overdose a mitigating factor in sentencing	No.

<u>MICHIGAN</u>	
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A
Other provisions of note	None.
DIH or DDRD provision in state law	M.C.L.A. 750.317a (effective January 1, 2006).
Classification of DIH/DDRDR offense	Delivery or distribution resulting in death (felony).
Circumstance(s) when DIH/DRDD applies	When a person delivers a Schedule 1 or 2 controlled substance, other than marijuana, to another person in violation of section 7401 of the public health code that is consumed by that person or any other person and that causes the death of that person.
Affirmative defense of DIH/DDRDR offense	None.

<u>MINNESOTA</u>	
Statute(s)	M.S.A. § 604A.05.
Initial effective date(s)	July 1, 2014.
Substantive amendments to law(s)	No.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person acting in good faith who seeks medical assistance for someone who is experiencing a drug-related overdose. • Person experiencing a drug-related overdose and needs medical assistance. <p>The law defines the phrase “drug-related overdose” as a condition that results from the use of a controlled substance or another substance combined with one.</p>
Protection as to controlled substance possession crimes	<p>An eligible person may not be charged or prosecuted for the possession, sharing, or use of a controlled substance under:</p> <ul style="list-style-type: none"> • M.S.A. § 152.023(2)(4) and (6) (certain controlled substance crimes in the third degree); • M.S.A. § 152.024 (controlled substance crime in fourth degree); and • M.S.A. § 152.025 (controlled substance crime in fifth degree).
Protection as to drug paraphernalia crimes	An eligible person may not be charged or prosecuted for the possession of drug paraphernalia.
Protection as to other crimes/violations	An eligible person’s pretrial release, probation, furlough, supervised release, or parole may not be revoked based on an incident for which the person would be immune from prosecution.
Requirement(s) for the protection to apply	<ul style="list-style-type: none"> • Evidence for the offense must have been obtained as a result of the person’s overdose and the need for medical assistance. • Person who seeks medical assistance must be the first person to seek the assistance, provide his or her name and contact information, remain on the scene until assistance arrives or is provided, and cooperate with the authorities.
Exception(s) to protection	<p>The existence of the protection does not:</p> <ul style="list-style-type: none"> • Bar the admissibility of any evidence obtained in connection with the investigation and prosecution of other crimes or violations; or • Preclude prosecution of a person on the basis of evidence obtained from an independent source. <p>Good faith does not include seeking medical assistance during the course of the execution of an arrest warrant or search warrant or a lawful search.</p>
Reporting overdose a mitigating factor in sentencing	Yes.

<u>MINNESOTA</u>	
Offenses subject to mitigation	Any criminal offense for which immunity is not provided.
Circumstance(s) when mitigation applies	When an individual provided first aid or other medical assistance to someone who was experiencing a drug-related overdose.
Other provisions of note	The existence of the protection does not: <ul style="list-style-type: none"> • Limit, modify, or remove any immunity from liability currently available to public entities, public employees by law, or prosecutors; or • Prevent probation officers from conducting drug testing of persons on pretrial release, probation, furlough, supervised release, or parole.
DIH or DDRD provision in state law	M.S.A. § 609.195 (effective as amended August 1, 1987).
Classification of DIH/DRDD offense	Third degree murder.
Circumstance(s) when DIH/DRDD applies	Whoever, without intent to cause death, proximately causes the death of a human being by, directly or indirectly, unlawfully selling, giving away, bartering, delivering, exchanging, distributing, or administering a controlled substance classified in Schedule I or II.
Affirmative defense of DIH/DRDD offense	None.

<u>MISSISSIPPI</u>	
Statute(s)	Miss. Code Ann. § 41-29-149.1.
Initial effective date(s)	July 1, 2015.
Substantive amendments to law(s)	July 1, 2016 amendment added Good Samaritan protections for the possession of 10 grams or less of synthetic cannabinoids.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who in good faith seeks medical assistance for someone who is experiencing a drug overdose. • Person who is experiencing a drug overdose and, in good faith, seeks medical assistance or is the subject of a request for medical assistance. <p>The law defines the phrases “drug overdose,” “medical assistance,” and “seeks medical assistance.” A “drug overdose” is a condition that results from the use of a controlled substance or dangerous drug.</p>
Protection as to controlled substance possession crimes	<p>An eligible person may not be arrested, charged, or prosecuted for a “drug violation,” which is defined to include:</p> <ul style="list-style-type: none"> • Possession of a controlled substance if the aggregate weight, including any mixture, is less than four grams of a solid substance, less than 20 dosage units, less than one milliliter of liquid substance, or, if the substance is placed onto a secondary medium, has a combined weight of less than four grams (Miss. Code Ann. § 41-29-139). • Possession of 30 grams or less of marijuana or 10 grams or less of synthetic cannabinoids (Miss. Code Ann. § 41-29-139).
Protection as to drug paraphernalia crimes	<p>An eligible person may not be arrested, charged, or prosecuted for a “drug violation,” which is defined to include the possession and use of drug paraphernalia (Miss. Code Ann. § 41-29-139(d)(2)).</p>
Protection as to other crimes/violations	<p>An eligible person is not subject to:</p> <ul style="list-style-type: none"> • Penalties for a violation of a permanent or temporary protective order or restraining order; • Sanctions for a violation of a condition of pretrial release, condition of probation, or condition of parole based on a drug violation; or • Forfeiture of property pursuant to Miss. Code Ann. § 41-29-153 or Miss. Code Ann. § 41-29-176 for a drug violation, except that prima facie contraband shall be subject to forfeiture.
Requirement(s) for the protection to apply	Evidence for the charge or prosecution must have been obtained as a result of the person’s overdose and the need for medical assistance.

<u>MISSISSIPPI</u>	
Exception(s) to protection	The existence of the protection does not limit: <ul style="list-style-type: none"> • Admissibility of any evidence in connection with the investigation or prosecution of a crime with regard to a defendant who does not qualify for the protections or with regard to other crimes committed by a person who otherwise qualifies for protection; • Any seizure of evidence or contraband otherwise permitted by law; or • Authority of a law enforcement officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense not subject to the protection.
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A
Other provisions of note	None.
DIH or DDRD provision in state law	No.
Classification of DIH/DRDD offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DRDD offense	N/A

<u>MISSOURI</u>	
Statute(s)	V.A.M.S. 195.205.
Initial effective date(s)	August 28, 2017.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who, in good faith, seeks or obtains medical assistance for someone who is experiencing a drug or alcohol overdose or another medical emergency. • Person experiencing a drug or alcohol overdose or another medical emergency who seeks medical assistance for himself or herself or is the subject of a good faith request. <p>The law defines the phrases “drug or alcohol overdose,” and “medical assistance.” A “drug or alcohol overdose” is a condition that results from the use of a controlled substance, alcohol, or another substance combined with one of these.</p>
Protection as to controlled substance possession crimes	An eligible person may not be arrested, charged, prosecuted, or convicted for possession of a controlled substance or an imitation controlled substance (V.A.M.S. 579.015 and 579.078).
Protection as to drug paraphernalia crimes	An eligible person may not be arrested, charged, prosecuted, or convicted of the offense of unlawful possession of drug paraphernalia (V.A.M.S. 579.074).
Protection as to other crimes/violations	<p>An eligible person may not be arrested, charged, prosecuted, or convicted for the offense of:</p> <ul style="list-style-type: none"> • Keeping or maintaining a public nuisance (V.A.M.S. 579.105); • Selling alcohol to a minor (V.A.M.S. 311.310); • Purchase or possession of alcohol by a minor (V.A.M.S. 311.320); or • Misrepresentation of age by a minor to obtain liquor (V.A.M.S. 311.320). <p>An eligible person may not:</p> <ul style="list-style-type: none"> • Be penalized for violating a restraining order; • Be penalized for violating probation or parole; or • Have property subject to civil forfeiture.
Requirement(s) for the protection to apply	Evidence for the arrest, charge, prosecution, conviction, seizure, or penalty must have been gained as a result of seeking or obtaining medical assistance.

<u>MISSOURI</u>	
Exception(s) to protection	The existence of the protection does not: <ul style="list-style-type: none"> • Prohibit a police officer from arresting a person for an outstanding warrant under V.A.M.S. 221.510(1); • Prohibit a person from being arrested, charged, or prosecuted for a non-protected offense, whether the offense arises from the same circumstances as the seeking of medical assistance; or • Provide grounds for suppression of evidence or dismissal in charges unrelated to those covered by protections.
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A
Other provisions of note	Any police officer who is in contact with any person or persons in need of emergency medical assistance must provide appropriate information and resources for substance-related assistance.
DIH or DDRD provision in state law	No.
Classification of DIH/DDRDR offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DDRDR offense	N/A

<u>MONTANA</u>	
Statute(s)	MCA 50-32-609.
Initial effective date(s)	May 3, 2017.
Substantive amendments to law(s)	July 1, 2019 amendment added specific protections for pregnant women seeking services for a substance use disorder.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who, acting in good faith, seeks medical assistance for another person who is experiencing an actual or reasonably perceived drug-related overdose. • Person who experiences a drug-related overdose and is in need of medical assistance. • The part of the Montana code containing the statute at issue (the “Help Save Lives from Overdose Act”) uses and defines the phrase “opioid-related drug overdose.” The statute does not use that phrase, however, instead using the undefined phrase “drug-related overdose.”
Protection as to controlled substance possession crimes	<p>An eligible person may not be arrested, charged, or prosecuted for the offense of:</p> <ul style="list-style-type: none"> • Criminal possession of dangerous drugs (MCA 45-9-102); or • Criminal possession of precursors to dangerous drugs (MCA 45-9-107).
Protection as to drug paraphernalia crimes	An eligible person may not be arrested, charged, or prosecuted for the offense of criminal possession of drug paraphernalia (MCA 45-10-103).
Protection as to other crimes/violations	<ul style="list-style-type: none"> • Provisions of MCA 45-5-626 (violation of order of protection) do not apply to an eligible person. • Eligible person’s pretrial release, probation, furlough, supervised release, or parole may not be revoked based on an incident for which the person would be immune from arrest, charge, or prosecution.
Requirement(s) for the protection to apply	Evidence supporting the arrest, charge, or prosecution must have been obtained as a result of the drug-related overdose and the need for medical assistance.
Exception(s) to protection	The existence of the protection does not bar the admissibility of evidence obtained in connection with the investigation and prosecution of other crimes or violations committed by a person who otherwise qualified for limited immunity.
Reporting overdose a mitigating factor in sentencing	Yes.
Offenses subject to mitigation	Criminal offenses for which immunity is not provided.
Circumstance(s) when mitigation applies	When a person provides first aid or other medical assistance to a person who is experiencing an actual or reasonably perceived drug-related overdose.

<u>MONTANA</u>	
Other provisions of note	<p>Provisions of criminal possession of dangerous drugs (MCA 45-9-102), criminal possession of precursors to dangerous drugs (MCA 45-9-107), and criminal possession of drug paraphernalia (MCA 45-10-103) do not apply to a pregnant woman seeking or receiving evaluation, treatment, or support services for a substance use disorder.</p> <p>The existence of the protection does not:</p> <ul style="list-style-type: none"> • Limit, modify, or remove immunity from liability currently available to public entities, public employees, or prosecutors or by law; or • Create a new cause of action or other source of criminal liability for a pregnant woman with a substance use disorder who does not seek or receive evaluation, treatment, or support services.
DIH or DDRD provision in state law	No.
Classification of DIH/DRDD offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DRDD offense	N/A

<u>NEBRASKA</u>	
Statute(s)	Neb. Rev. Stat. § 28-472.
Initial effective date(s)	August 24, 2017.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	Person who makes a good faith request for emergency medical assistance in response to a drug overdose of himself, herself, or another. The law defines the phrase “drug overdose” as a condition resulting from the use of a controlled substance or another substance combined with one.
Protection as to controlled substance possession crimes	An eligible person will not be in violation of the offense of possession of a controlled substance (Neb. Rev. St. § 28-416(3)).
Protection as to drug paraphernalia crimes	An eligible person will not be in violation of the offense of use or possession of drug paraphernalia (Neb. Rev. St. § 28-441).
Protection as to other crimes/violations	None.
Requirement(s) for the protection to apply	<ul style="list-style-type: none"> • Request for medical assistance must have been made as soon as the drug overdose was apparent. • Evidence for the violation was obtained as a result of the drug overdose and the request for medical assistance. • When emergency medical assistance was requested for the drug overdose of another person: (1) the requesting person remained on the scene until medical assistance or law enforcement personnel arrived; and (2) the person cooperated with medical assistance and law enforcement.
Exception(s) to protection	<p>The existence of the protection does not interfere with or prohibit the investigation, arrest, or prosecution of any person for, or affect the admissibility or use of evidence in, cases involving:</p> <ul style="list-style-type: none"> • Drug-induced homicide; • Violations of the possession of drug paraphernalia (Neb. Rev. St. § 28-441) and the possession of a controlled substance (Neb. Rev. St. § 28-416) for which protections are not provided; or • Any other criminal offense.
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A

<u>NEBRASKA</u>	
Other provisions of note	A person cannot initiate or maintain an action against a peace officer or the state agency or political subdivision employing such officer based on the officer's compliance with the provisions involving the exception from criminal liability.
DIH or DDRD provision in state law	No. Despite the reference to drug-induced homicide in the exceptions to Good Samaritan protections, there is no Nebraska statute that expressly pertains to drug-induced homicide.
Classification of DIH/DDRDR offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DDRDR offense	N/A

<u>NEVADA</u>	
Statute(s)	N.R.S. 453C.150.
Initial effective date(s)	October 1, 2015.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	Person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for himself or herself or who is the subject of a good faith request for such assistance. The law defines the phrase “drug or alcohol overdose” as a condition resulting from the use of a controlled substance, alcohol, or another substance in combination with one of these.
Protection as to controlled substance possession crimes	An eligible person may not be arrested, charged, prosecuted, or convicted for the offense of: <ul style="list-style-type: none"> • Possession of a controlled substance unless it is for the purpose of sale (N.R.S. 453.336); or • Use of a controlled substance (N.R.S. 453.336).
Protection as to drug paraphernalia crimes	An eligible person may not be arrested, charged, prosecuted, or convicted for the offense of unlawful use or possession of drug paraphernalia (N.R.S. 453.566).
Protection as to other crimes/violations	An eligible person may not: <ul style="list-style-type: none"> • Be penalized for violating a restraining order; • Be penalized for violating a condition of the person’s parole or probation; • Have property subjected to forfeiture; or • Be penalized under a local ordinance that establishes an offense that is similar to an offense set forth in N.R.S. 453.336 (unlawful possession of a controlled substance).

<u>NEVADA</u>	
Requirement(s) for the protection to apply	<ul style="list-style-type: none"> • Evidence to support the arrest, charge, prosecution, conviction, seizure, or penalty must have been obtained as a result of the person seeking medical assistance. • Person must seek medical assistance for the person experiencing an overdose or other medical emergency. A person's actions will be considered medical assistance if the person: <ul style="list-style-type: none"> ○ Reports a drug or alcohol overdose or other medical emergency to a member of a law enforcement agency, a 911 emergency service, a poison control center, a medical facility, or a provider of emergency medical services; ○ Assists another person making such a report; ○ Provides care to a person who is experiencing a drug or alcohol overdose or other medical emergency while awaiting the arrival of medical assistance; or ○ Delivers a person who is experiencing a drug or alcohol overdose or other medical emergency to a medical facility and notifies the appropriate authorities.
Exception(s) to protection	None.
Reporting overdose a mitigating factor in sentencing	Yes.
Offenses subject to mitigation	Violations of chapter 453 of N.R.S. (drug offenses) for which immunity is not provided.
Circumstance(s) when mitigation applies	Defendant, in good faith, sought medical assistance for a person who was experiencing a drug or alcohol overdose or other life-threatening emergency in connection with the events that constituted the violation.
Other provisions of note	The existence of the protection does not prohibit any governmental entity from taking any actions required or authorized by chapter 432B of NRS relating to the abuse or neglect of a child.
DIH or DDRD provision in state law	N.R.S. 200.010 (effective as amended June 8, 2005).
Classification of DIH/DDRDR offense	Murder.
Circumstance(s) when DIH/DRDD applies	When a death was caused by a controlled substance which was sold, given, traded, or otherwise made available to a person in violation of chapter 453 of NRS.
Affirmative defense of DIH/DDRDR offense	None.

<u>NEW HAMPSHIRE</u>	
Statute(s)	N.H. Rev. Stat. § 318-B:28-b.
Initial effective date(s)	September 6, 2015.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person in good faith and in a timely manner requests medical assistance for another person who is experiencing a drug overdose. • Person who in good faith requests or is the subject of a good faith request for medical assistance. <p>The law defines the phrases “drug overdose,” “medical assistance,” and “requests medical assistance.” A “drug overdose” is a condition resulting from the use of a controlled drug.</p>
Protection as to controlled substance possession crimes	An eligible person will not be arrested, prosecuted, or convicted for possessing, or having under his or her control, a controlled substance (N.H. Rev. Stat. § 318:B-2).
Protection as to drug paraphernalia crimes	None.
Protection as to other crimes/violations	None.
Requirement(s) for the protection to apply	Evidence for the charge must have been gained as a proximate result of the request for medical assistance.
Exception(s) to protection	<p>The existence of the protection does not limit:</p> <ul style="list-style-type: none"> • Admissibility of evidence in connection with the investigation or prosecution of a crime involving a person who is not protected; • Lawful seizure of any evidence or contraband; or • Authority of a law enforcement officer to detain or place into custody a person as part of a criminal investigation or to arrest a person for a non-protected offense.
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A
Other provisions of note	No later than January 1, 2016, the Commissioner of the Department of Health and Human Services must develop and make available on the Department’s public Internet website, information for the public explaining the meaning and applicability of the Good Samaritan provisions.
DIH or DDRD provision in state law	N.H. Rev. Stat. § 318-B:26 (effective as amended September 16, 2017).

<u>NEW HAMPSHIRE</u>	
Classification of DIH/DDRDR offense	Felony.
Circumstance(s) when DIH/DRDD applies	Any person who manufactures, sells, or dispenses methamphetamine, lysergic acid, diethylamide phencyclidine (PCP) or any other controlled drug classified in Schedules I or II, or any controlled drug analog thereof, in violation of N.H. Rev. Stat. § 318-B:2, I or I-a, is strictly liable for a death which results from the injection, inhalation, or ingestion of that substance.
Affirmative defense of DIH/DDRDR offense	None.

<u>NEW JERSEY</u>	
Statute(s)	<ul style="list-style-type: none"> • N.J.S.A. 2C:35-30 (Good Samaritan protections for medical assistance sought for persons experiencing a drug overdose). • N.J.S.A. 2C:35-31 (Good Samaritan protections for persons experiencing a drug overdose and seeking immediate medical attention).
Initial effective date(s)	May 2, 2013 for both statutes.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who, in good faith, seeks medical assistance for someone experiencing a drug overdose. • Person who experiences a drug overdose and who seeks medical assistance or is the subject of a good faith request for medical assistance.
Protection as to controlled substance possession crimes	<p>An eligible person will not be arrested, charged, prosecuted, or convicted for:</p> <ul style="list-style-type: none"> • Obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of, a controlled dangerous substance or controlled substance analog (N.J.S.A. 2C:35-10); • Inhaling the fumes of or possessing any toxic chemical (N.J.S.A. 2C:35-10.4(b)); or • Using, obtaining, attempting to obtain, or possessing any prescription legend drug or stramonium preparation (N.J.S.A. 2C:35-10.5(b), (c), or (d)).
Protection as to drug paraphernalia crimes	<p>An eligible person will not be arrested, charged, prosecuted, or convicted for:</p> <ul style="list-style-type: none"> • Using or possessing with intent to use drug paraphernalia (N.J.S.A. 2C:36-2); or • Having under his or her control or possessing a hypodermic syringe, hypodermic needle, or any other instrument adapted for the use of a controlled dangerous substance or a controlled substance analog (N.J.S.A. 2C:36-6(a)).
Protection as to other crimes/violations	<p>An eligible person will not be arrested, charged, prosecuted, or convicted for:</p> <ul style="list-style-type: none"> • Acquiring or obtaining possession of a controlled dangerous substance or controlled substance analog by fraud (N.J.S.A. 2C:35-13); or • Unlawfully possessing a controlled dangerous substance that was lawfully prescribed or dispensed (N.J.S.A. 2C:35-24). <p>An eligible person will not be subject to revocation of parole or probation based solely on a violation of the described offenses.</p>

<u>NEW JERSEY</u>	
Requirement(s) for the protection to apply	Evidence for an arrest, charge, prosecution, conviction, or revocation must have been obtained as a result of the seeking of medical assistance.
Exception(s) to protection	The existence of the protection does not limit: <ul style="list-style-type: none"> • Admissibility of any evidence in connection with the investigation or prosecution of a crime with regard to a defendant who does not qualify for the protections or with regard to other crimes committed by a person who otherwise qualifies for protection; • Any seizure of evidence or contraband otherwise permitted by law; or • Authority of a law enforcement officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense other than those for which protection is offered.
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A
Other provisions of note	The existence of the protection does not limit any immunity from liability currently available to public entities or public employees by law.
DIH or DDRD provision in state law	N.J.S.A. 2C:35-9 (effective July 9, 1987).
Classification of DIH/DDRDR offense	Crime of the first degree.
Circumstance(s) when DIH/DRDD applies	Any person who manufactures, distributes or dispenses methamphetamine, lysergic acid diethylamide, phencyclidine or any other controlled dangerous substance classified in Schedules I or II, or any controlled substance analog thereof is strictly liable for a death which results from the injection, inhalation or ingestion of that substance.
Affirmative defense of DIH/DDRDR offense	None.

<u>NEW MEXICO</u>	
Statute(s)	N. M. S. A. § 30-31-27.1.
Initial effective date(s)	June 15, 2007.
Substantive amendments to law(s)	A July 1, 2019 amendment added: <ul style="list-style-type: none"> • Protections from being arrested, charged, prosecuted, or otherwise penalized for the possession of drug paraphernalia; • Protections from penalties for violations of restraining orders or the conditions of probation or parole; and • Made the act of seeking medical assistance for someone who is experiencing an alcohol or drug-related overdose a mitigating factor in a criminal prosecution.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who, in good faith, seeks medical assistance for someone experiencing an alcohol or drug-related overdose. • Person who experiences an alcohol or drug related overdose and is in need of medical assistance. <p>The law defines the phrase “seeking medical assistance.”</p>
Protection as to controlled substance possession crimes	An eligible person will not be arrested, charged, prosecuted, or otherwise penalized for the offense of possession of a controlled substance (N. M. S. A. § 30-31-23).
Protection as to drug paraphernalia crimes	An eligible person will not be arrested, charged, prosecuted, or otherwise penalized for the offense of possession of drug paraphernalia (N. M. S. A. § 30-31-25.1(A)).
Protection as to other crimes/violations	An eligible person will not be arrested, charged, prosecuted, or otherwise penalized for violations of: <ul style="list-style-type: none"> • Restraining orders; or • Conditions of probation or parole. <p>An eligible person’s property will not be subject to civil forfeiture.</p>
Requirement(s) for the protection to apply	Evidence for the alleged violation must have been obtained as a result of the need for seeking medical assistance.
Exception(s) to protection	None.
Reporting overdose a mitigating factor in sentencing	Yes.
Offenses subject to mitigation	Criminal prosecution pursuant to the Controlled Substances Act for which immunity is not provided.
Circumstance(s) when mitigation applies	When a person sought medical assistance for someone who was experiencing an alcohol or drug-related overdose.
Other provisions of note	None.
DIH or DDRD provision in state law	No.

<u>NEW MEXICO</u>	
Classification of DIH/DDRDR offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DDRDR offense	N/A

<u>NEW YORK</u>	
Statute(s)	<ul style="list-style-type: none"> • N.Y. Penal Law § 220.78 (Good Samaritan protections). • N.Y. Criminal Procedure Law § 390.40 (mitigating factor in sentencing).
Initial effective date(s)	September 18, 2011 for both statutes.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who, in good faith, seeks health care for someone who is experiencing a drug or alcohol overdose or another life-threatening medical emergency. • Person who is experiencing a drug or alcohol overdose or another life-threatening medical emergency and, in good faith, seeks health care for himself or herself or is the subject of such a good faith request for health care. <p>The law defines the phrases “drug or alcohol overdose” and “health care.” A “drug or alcohol overdose” is a condition resulting from the use of a controlled substance or alcohol.</p>
Protection as to controlled substance possession crimes	An eligible person will not be charged or prosecuted for a controlled substance offense under Penal Law, Chapter 40, Article 220 (Controlled Substance Offenses) or a marijuana offense under Penal Law, Chapter 40, Article 221 (Offenses Involving Marijuana), other than an offense involving sale for consideration or other benefit or gain.
Protection as to drug paraphernalia crimes	An eligible person will not be charged or prosecuted for the possession of drug paraphernalia (N.Y. General Business Law § 851).
Protection as to other crimes/violations	<ul style="list-style-type: none"> • Eligible person will not be charged or prosecuted for the possession of alcohol by a person under the age of 21 (N.Y. Alcoholic Beverage Control Law § 65-c). • There is an affirmative defense to a criminal sale of controlled substance offense under Article 220 or a criminal sale of marijuana offense under Article 221 with respect to any controlled substance or marijuana which was obtained as a result of such seeking or receiving of health care if the defendant has no prior conviction for the commission or attempted commission of a class A-I, A-II or B felony under Article 220.
Requirement(s) for the protection to apply	Evidence must have been obtained as a result of the seeking or receiving of health care.

<u>NEW YORK</u>	
Exception(s) to protection	The existence of the protection does not: <ul style="list-style-type: none"> • Bar the prosecution of a class A-I felony under Article 220; • Provide the affirmative defense to the prosecution of a class A-I or A-II felony criminal sale offense under Article 220; • Bar the admissibility of any evidence in connection with the investigation and prosecution of a crime with regard to another defendant who does not independently qualify for the bar to prosecution or for the affirmative defense; nor with regard to other crimes committed by a person who otherwise qualifies for protection; or • Bar any seizure pursuant to law, including but not limited the seizure and forfeiture of controlled substances (N.Y. Public Health Law § 3387).
Reporting overdose a mitigating factor in sentencing	Yes.
Offenses subject to mitigation	Any criminal prosecution for a controlled substance, marijuana, drug paraphernalia, or alcohol related offense.
Circumstance(s) when mitigation applies	When a person sought health care for someone who was experiencing a drug or alcohol overdose or another life-threatening medical emergency.
Other provisions of note	None.
DIH or DDRD provision in state law	No.
Classification of DIH/DRDD offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DRDD offense	N/A

<u>NORTH CAROLINA</u>	
Statute(s)	<ul style="list-style-type: none"> • N.C.G.S.A. § 18B-302.2 (protections for alcohol offenses). • N.C.G.S.A. § 90-96.2 (protections for drug offenses).
Initial effective date(s)	April 9, 2013 for both statutes.
Substantive amendments to law(s)	<p>On August 1, 2015, both statutes were amended to add:</p> <ul style="list-style-type: none"> • Requirements and conditions for the immunity to apply; • Protections from revocation of pretrial release, probation, parole, or post-release; and • Civil liability protections for a law enforcement officer who arrests or charges a person entitled to immunity.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who sought medical assistance for an individual experiencing an alcohol or drug-related overdose by contacting the 911 system, a law enforcement officer, or emergency medical services personnel. • Person who experienced an overdose and was in need of medical assistance. <p>The law defines the phrase “drug-related overdose” as a condition resulting from the use of a controlled substance or another substance combined with one.</p>
Protection as to controlled substance possession crimes	<p>An eligible individual will not be prosecuted for:</p> <ul style="list-style-type: none"> • Misdemeanor possession of a controlled substance (N.C.G.S.A. § 90-95(a)(3)); • Felony violation of possession of less than one gram of heroin. (N.C.G.S.A. § 90-95(a)(3)); or • Felony violation of possession for less than one gram of cocaine (N.C.G.S.A. § 90-95(a)(3)).
Protection as to drug paraphernalia crimes	An eligible person will not be prosecuted for the possession of drug paraphernalia (N.C.G.S.A. § 90-113.22).
Protection as to other crimes/violations	<ul style="list-style-type: none"> • Eligible person is not subject to arrest or revocation of pretrial release, probation, parole, or post-release. • Eligible person under the age of 21 will not be prosecuted for the offense of possession or consumption of alcoholic beverages (N.C.G.S.A. § 18B-302(b)).
Requirement(s) for the protection to apply	<ul style="list-style-type: none"> • Act in good faith when seeking medical assistance, upon a reasonable belief that he or she was the first to call for assistance. • Provide his or her own name to the 911 system or to a law enforcement officer upon arrival. • Not seek medical assistance during the course of the execution of an arrest warrant, search warrant, or other lawful search. • Evidence for prosecution of the offenses must have been obtained as a result of the person seeking medical assistance for the alcohol or drug-related overdose.

<u>NORTH CAROLINA</u>	
Exception(s) to protection	<p>The existence of protection does not:</p> <ul style="list-style-type: none"> • Bar the admissibility of any evidence obtained in connection with the investigation and prosecution of: (1) other crimes committed by a person who otherwise qualifies for limited immunity; or (2) any crimes committed by a person who does not qualify for limited immunity; • Limit any seizure of evidence or contraband otherwise permitted by law; or • Limit or abridge the authority of a law enforcement officer to detain or take into custody a person in the course of an investigation of, or to effectuate an arrest for, any offense other than an offense for which limited immunity is provided.
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A
Other provisions of note	<ul style="list-style-type: none"> • Existence of the protection does not limit or abridge the authority of a probation officer to conduct drug testing of persons on pretrial release, probation, or parole. • Law enforcement officer who, acting in good faith, arrests or charges a person who is thereafter determined to be entitled to immunity will not be subject to civil liability for the arrest or filing of charges.
DIH or DDRD provision in state law	N.C.G.S.A. § 14-17 (effective as amended December 1, 2017).
Classification of DIH/DRDD offense	Second degree murder.
Circumstance(s) when DIH/DRDD applies	Death which was proximately caused by the unlawful distribution of any opium, opiate, or opioid; any synthetic or natural salt, compound, derivative, or preparation of opium, or opiate, or opioid; cocaine or other substance described in N.C.G.S.A. § 90-90(1)d; methamphetamine; or a depressant described in N.C.G.S.A. § 90-92(a)(1), and the ingestion of such substance caused the death of the user.
Affirmative defense of DIH/DRDD offense	None.

<u>NORTH DAKOTA</u>	
Statute(s)	N.D. Cent. Code Ann. § 19-03.1-23.4.
Initial effective date(s)	August 1, 2015.
Substantive amendments to law(s)	August 1, 2017 amendment added: <ul style="list-style-type: none"> • Immunity protections for the individual who experiences a drug-related overdose in addition to the individual who sought medical assistance; and • Additional requirements for the immunity to apply.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Individual who experiences a drug-related overdose and is in need of emergency medical assistance. • Individual who in good faith sought medical assistance for another individual in need of emergency medical assistance due to a drug overdose.
Protection as to controlled substance possession crimes	An eligible individual is immune from criminal prosecution for the offenses of: <ul style="list-style-type: none"> • Use or possession of a controlled substance or controlled substance analog (N.D. Cent. Code Ann. §§ 19-03.1-22.3 and 19-03.1-23(7)); and • Use or possession of an imitation controlled substance (N.D. Cent. Code Ann. § 19-03.2-03(3)).
Protection as to drug paraphernalia crimes	An eligible individual is immune from criminal prosecution for the offense of possession of drug paraphernalia (N.D. Cent. Code Ann. § 19-03.4-03).
Protection as to other crimes/violations	An eligible individual is immune from criminal prosecution for the offense of intentional inhalation of a volatile chemical (N.D. Cent. Code Ann. § 19-03.1-22.1).
Requirement(s) for the protection to apply	<ul style="list-style-type: none"> • Individual seeking medical assistance must remain on the scene until assistance arrives and cooperate with first responders. • Overdosed individual must have been in a condition a layperson would reasonably believe to be a drug overdose requiring immediate medical assistance. • Evidence for the charge or prosecution must have been obtained as a result of the drug-related overdose and the need for emergency medical assistance.
Exception(s) to protection	Good faith does not include seeking medical assistance during the course of the execution of an arrest warrant or search warrant or during a lawful search.
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A

<u>NORTH DAKOTA</u>	
Other provisions of note	None.
DIH or DDRD provision in state law	No.
Classification of DIH/DDRDR offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DDRDR offense	N/A

<u>OHIO</u>	
Statute(s)	R.C. § 2925.11(B)(2).
Initial effective date(s)	September 13, 2016.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose. • Person who experiences a drug overdose and who seeks medical assistance for that overdose. • Person who is the subject of another person seeking or obtaining medical assistance for that overdose. <p>Each of the above persons is termed a “qualified individual.” The law also defines the phrase “seek or obtain medical assistance.”</p>
Protection as to controlled substance possession crimes	A qualified individual will not be arrested, charged, prosecuted, or convicted for a minor drug possession offense.
Protection as to drug paraphernalia crimes	None.
Protection as to other crimes/violations	None.
Requirement(s) for the protection to apply	<ul style="list-style-type: none"> • Evidence of the obtaining, possession, or use of the controlled substance or controlled substance analog that would be the basis of the offense was obtained as a result of the qualified individual seeking the medical assistance or experiencing an overdose and needing medical assistance. • Within 30 days after seeking or obtaining the medical assistance, the qualified individual seeks and obtains a screening and receives a referral for treatment from a community addiction services provider or a properly credentialed addiction treatment professional. • Qualified individual who obtains a screening and receives a referral for treatment, upon the request of any prosecuting attorney, submits documentation to the prosecuting attorney that verifies that the qualified individual satisfied the requirements of that division.

<u>OHIO</u>	
Exception(s) to protection	<ul style="list-style-type: none"> • No person can be granted immunity under this provision more than two times. • Qualified individual does not include a person who is on community control or post-release control. • The existence of the protection does not limit the: <ul style="list-style-type: none"> ○ Admissibility of any evidence in connection with the investigation or prosecution of a crime with regard to a defendant who does not qualify for the protections or with regard to any crime other than a minor drug possession offense committed by a person who qualifies for protection; ○ Limit any seizure of evidence or contraband otherwise permitted by law; or ○ Authority of a peace officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense other than the offenses for which immunity is provided.
Reporting overdose a mitigating factor in sentencing	Yes.
Offenses subject to mitigation	If a person is found to be in violation of any community control sanction or post-release control sanction and if the violation is a result of: (1) seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose; or (2) experiencing a drug overdose and seeking medical assistance for that overdose or being the subject of another person seeking or obtaining medical assistance for that overdose, then the court or the parole board must first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty. The court or the parole board has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor.
Circumstance(s) when mitigation applies	<ul style="list-style-type: none"> • Seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose. • Experiencing a drug overdose and seeking medical assistance for that overdose or being the subject of another person seeking or obtaining medical assistance for that overdose.

<u>OHIO</u>	
Other provisions of note	<p>The existence of the protection does not:</p> <ul style="list-style-type: none"> • Limit any immunity from liability available pursuant to the law in effect prior to September 13, 2016, to any public agency, or to an employee of any public agency; or • Compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the “Health Insurance Portability and Accountability Act of 1996,” and regulations promulgated by the United States Department of Health and Human Services to implement the act or the requirements of 42 C.F.R. Part 2.
DIH or DDRD provision in state law	No.
Classification of DIH/DDRDR offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DDRDR offense	N/A

<u>OKLAHOMA</u>	
Statute(s)	63 Okl.St. Ann. § 2-413.1.
Initial effective date(s)	November 1, 2018.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	Person who requested emergency medical assistance for an individual who reasonably appeared to be in need of medical assistance due to the use of a controlled dangerous substance.
Protection as to controlled substance possession crimes	An eligible person is immune from criminal prosecution for the offense of possession of a Schedule I (63 Okl.St. Ann. § 2-204) or Schedule II (63 Okl.St. Ann. § 2-206) controlled dangerous substance, provided the amount of such controlled dangerous substance does not constitute trafficking (63 Okl.St. Ann. § 2-415(C)).
Protection as to drug paraphernalia crimes	An eligible person is immune from criminal prosecution for the offense of possession of drug paraphernalia.
Protection as to other crimes/violations	None.
Requirement(s) for the protection to apply	<ul style="list-style-type: none"> • Provide his or her full name and any other relevant information requested by the peace officer. • Remain at the scene with the individual who reasonably appeared to be in need of medical assistance due to the use of a controlled dangerous substance until emergency medical assistance arrived. • Cooperate with emergency medical assistance personnel and peace officers at the scene.
Exception(s) to protection	None.
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A
Other provisions of note	A person may not initiate or maintain an action against a peace officer, or the employing political subdivision of the peace officer based on the compliance or failure of the peace officer to comply with the immunity provisions.
DIH or DDRD provision in state law	21 Okl.St. Ann. § 701.7 (effective as amended November 1, 2012).
Classification of DIH/DRRD offense	First degree murder.

<u>OKLAHOMA</u>	
Circumstance(s) when DIH/DRDD applies	<ul style="list-style-type: none"> • If the death of a human being results from the unlawful distributing or dispensing of controlled dangerous substances or synthetic controlled substances, trafficking in illegal drugs, or manufacturing or attempting to manufacture a controlled dangerous substance. • When a person unlawfully and with malice aforethought solicits another person or persons to cause the death of a human being in furtherance of unlawfully manufacturing, distributing or dispensing controlled dangerous substances, as defined in the Uniform Controlled Dangerous Substances Act, unlawfully possessing with intent to distribute or dispense controlled dangerous substances or trafficking in illegal drugs.
Affirmative defense of DIH/DDRDR offense	None.

<u>OREGON</u>	
Statute(s)	O.R.S. § 475.898.
Initial effective date(s)	January 1, 2016.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who contacts emergency medical services or law enforcement agency to obtain medical assistance for another person who needs medical assistance due to a drug-related overdose. • Person who is in need of medical assistance due to a drug-related overdose. <p>The law defines the phrase “drug-related overdose” as a condition resulting from the use of a controlled substance or another substance combined with one.</p>
Protection as to controlled substance possession crimes	<p>An eligible person is immune from arrest or prosecution for the offenses of:</p> <ul style="list-style-type: none"> • Possession of a controlled substance (ORS § 475.752(3)); • Unlawful possession of hydrocodone (ORS § 475.814); • Unlawful possession of methadone (ORS § 475.824); • Unlawful possession of oxycodone (ORS § 475.834); • Unlawful possession of heroin (ORS § 475.854); • Unlawful possession of 3,4-methylenedioxymethamphetamine (ORS § 475.874); • Unlawful possession of cocaine (ORS § 475.884); • Unlawful possession of methamphetamine (ORS § 475.894); and • Unlawfully possessing a prescription drug (ORS § 689.527).
Protection as to drug paraphernalia crimes	<p>An eligible person is immune from arrest or prosecution for the offense of unlawful possession of drug paraphernalia with the intent to sell or deliver (O.R.S. § 475.525(1)).</p>
Protection as to other crimes/violations	<ul style="list-style-type: none"> • An eligible person is immune from arrest or prosecution for the offense of frequenting a place where controlled substances are used (O.R.S. § 167.222). • A person may not be arrested: <ul style="list-style-type: none"> ○ For violating the conditions of the person’s pretrial release, probation, post-prison supervision or parole if the violation involves the possession or use of a controlled substance or frequenting a place where controlled substances are used; or ○ On an outstanding warrant for any of the offenses in which immunity is available, or on an outstanding warrant for a violation, other than commission of a new crime, of the conditions of the person’s probation, post-prison supervision or parole for conduct that would constitute an offense for which immunity is available.

<u>OREGON</u>	
Requirement(s) for the protection to apply	Evidence of the offense or violation must have been obtained because of the need for emergency medical services.
Exception(s) to protection	<ul style="list-style-type: none"> • Protection against arrest on an outstanding warrant does not apply to outstanding federal warrants or outstanding warrants issued from other states. • Immunity from arrest and prosecution is not grounds for the suppression of evidence relating to a criminal offense other than the offenses for which immunity is provided.
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A
Other provisions of note	None.
DIH or DDRD provision in state law	No.
Classification of DIH/DDRDR offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DDRDR offense	N/A

<u>PENNSYLVANIA</u>	
Statute(s)	35 P.S. § 780-113.7.
Initial effective date(s)	December 1, 2014.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who reported, in good faith, a drug overdose event to a law enforcement officer, the 911 system, campus security officer, or emergency services personnel. • Person experiencing a drug overdose event. <p>The law defines the phrase “drug overdose event” as a condition resulting from the use of one or more controlled substances.</p>
Protection as to controlled substance possession crimes	<p>An eligible person will not be charged and will be immune from prosecution for the:</p> <ul style="list-style-type: none"> • Known or intentional possession of a controlled or counterfeit substance (35 P.S. § 780-113(16)); or • Possession or distribution of a small amount of marijuana without the intent to sell it (35 P.S. § 780-113(31)).
Protection as to drug paraphernalia crimes	<p>An eligible person will not be charged and will be immune from prosecution for the:</p> <ul style="list-style-type: none"> • Use of, or possession with intent to use, drug paraphernalia (35 P.S. § 780-113(32)); or • Delivery of, possession with intent to deliver, or manufacture with intent to deliver, drug paraphernalia (35 P.S. § 780-113(33)).
Protection as to other crimes/violations	<p>An eligible person will not be charged and will be immune from prosecution for:</p> <ul style="list-style-type: none"> • Probation or parole violation; • Adulteration, mutilation, destruction, obliteration or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a controlled substance, other drug, device or cosmetic, if such act is done while such substance or article is held for sale and results in such substance or article being adulterated or misbranded (35 P.S. § 780-113(5)); • Intentional purchase or knowing receipt in commerce by any person of any controlled substance, other drug or device from any person not authorized by law to sell, distribute, dispense, or otherwise deal in such controlled substance, other drug, or device (35 P.S. § 780-113(19)); or • Possession by any person, other than a registrant, of more than 30 doses labeled as a dispensed prescription or more than three trade packages of any anabolic steroids (35 P.S. § 780-113(37)).

<u>PENNSYLVANIA</u>	
Requirement(s) for the protection to apply	<ul style="list-style-type: none"> • Report made on the reasonable belief that another person was in need of immediate medical attention and was necessary to prevent death or serious bodily injury due to a drug overdose. • Person seeking assistance provides his or her own name and location and cooperated with the law enforcement officer, 911 system, campus security officer, or emergency services personnel. • Person seeking assistance remains with the person needing immediate medical attention until a law enforcement officer, a campus security officer, or emergency services personnel arrived.
Exception(s) to protection	<p>The existence of protection does not:</p> <ul style="list-style-type: none"> • Bar charging or prosecuting a person for offenses in which protections available if a law enforcement officer obtains information prior to or independent of the action of seeking or obtaining emergency assistance; • Interfere with or prevent the investigation, arrest, charging, or prosecution of a person for the delivery or distribution of a controlled substance, drug-induced homicide, or any other crime for which protections are not provided; • Bar the admissibility of any evidence in connection with the investigation and prosecution for any other prosecution not barred by immunity; • Bar the admissibility of any evidence in connection with the investigation and prosecution of a crime with regard to another defendant who does not independently qualify for the prohibition on charging or prosecuting a person.
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A
Other provisions of note	A law enforcement officer or prosecuting attorney who, acting in good faith, charges a person who is thereafter determined to be entitled to immunity under this section will not be subject to civil liability for the filing of the charges.
DIH or DDRD provision in state law	18 Pa.C.S.A. § 2506 (Effective as amended August 18, 2014).
Classification of DIH/DDRDR offense	Felony of the first degree.

<u>PENNSYLVANIA</u>	
Circumstance(s) when DIH/DRDD applies	A person intentionally administers, dispenses, delivers, gives, prescribes, sells, or distributes any controlled substance or counterfeit controlled substance and another person dies as a result of using the substance.
Affirmative defense of DIH/DRDD offense	None.

<u>RHODE ISLAND</u>	
Statute(s)	R.I. Gen. Laws, § 21-28.9-4.
Initial effective date(s)	January 27, 2016.
Substantive amendments to law(s)	July 2, 2018 amendment added: <ul style="list-style-type: none"> • Language on alcohol-related medical emergencies in addition to drug-related medical emergencies; and • Immunity for the offense of possession or transportation of alcohol by an underage person.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who, in good faith, without malice and in the absence of evidence of an intent to defraud, seeks medical assistance for someone experiencing a drug or alcohol overdose or another drug or alcohol-related medical emergency. • Person who experiences a drug or alcohol overdose or other drug or alcohol-related medical emergency and is in need of medical assistance.
Protection as to controlled substance possession crimes	An eligible person will not be charged or prosecuted for any crime related to the possession of a controlled substance.
Protection as to drug paraphernalia crimes	An eligible person will not be charged or prosecuted for any crime related to the possession of drug paraphernalia.
Protection as to other crimes/violations	<p>An eligible person will not be charged or prosecuted for:</p> <ul style="list-style-type: none"> • Operation of a drug-involved premise; or • Possession or transportation of alcohol by an underaged person. <p>Immunity provided in the section extends to a violation of probation or parole on those grounds.</p>
Requirement(s) for the protection to apply	Evidence for the charge must have been gained as a result of the overdose and the need for medical assistance.
Exception(s) to protection	None.
Reporting overdose a mitigating factor in sentencing	Yes.
Offenses subject to mitigation	Criminal prosecution pursuant to the Controlled Substances Act.
Circumstance(s) when mitigation applies	When a person provides first aid or other medical assistance to someone who is experiencing a drug or alcohol overdose or another drug or alcohol-related medical emergency.
Other provisions of note	None.

<u>RHODE ISLAND</u>	
DIH or DDRD provision in state law	<ul style="list-style-type: none"> • R.I. Gen. Laws, § 11-23-6 (Controlled substance transaction resulting in death of a minor, effective as amended June 29, 2018). • R.I. Gen. Laws, § 11-23-7 (Controlled substance delivery result in death, effective June 29, 2018).
Classification of DIH/DDRDR offense	Felony.
Circumstance(s) when DIH/DRDD applies	<ul style="list-style-type: none"> • Any person who sells, delivers, or distributes a controlled substance, the sale of which would constitute a felony under chapter 28 of title 21, to a minor, or knowingly provides a controlled substance for sale, delivery, or distribution to a minor, and death has resulted to the minor because of the ingestion orally or the injection or inhalation of the controlled substance. • As a result of an unlawful delivery of a controlled substance in exchange for anything of value to an adult, death results to that adult because of the ingestion orally or the injection or inhalation of the controlled substance. • As a result of an unlawful delivery of a controlled substance to another person who subsequently delivers such controlled substance to an adult, death results to that adult because of the ingestion orally or the injection or inhalation of the controlled substance.
Affirmative defense of DIH/DDRDR offense	An eligible person will not be charged or prosecuted for the offense of controlled substance delivery resulting in death if a person, in good faith, without malice and in the absence of evidence of an intent to defraud, sought medical assistance for someone experiencing a controlled substance overdose and the evidence for the charge was gained as a result of the seeking of medical assistance. The protection only applies to the death of an adult and does not apply to the offense of controlled substance transaction resulting in death of a minor.

<u>SOUTH CAROLINA</u>	
Statute(s)	S.C. Code §§ 44-53-1910 to 44-53-1970.
Initial effective date(s)	June 10, 2017 for all statutes.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who seeks medical assistance for another person who appears to be experiencing a drug or alcohol-related overdose. • Person who experiences a drug or alcohol-related overdose and is in need of medical assistance. <p>The law defines the phrases “drug or alcohol-related overdose” and “seeks medical assistance.” A “drug or alcohol-related overdose” is a condition resulting from the use of a controlled substance, alcohol, or another substance combined with one of these.</p>
Protection as to controlled substance possession crimes	<p>An eligible person will not be prosecuted for:</p> <ul style="list-style-type: none"> • Possessing a controlled substance (S.C. Code § 44-53-370(c)); or • Possessing less than one gram of methamphetamine or cocaine base (S.C. Code § 44-53-375(A)).
Protection as to drug paraphernalia crimes	<p>An eligible person will not be prosecuted for:</p> <ul style="list-style-type: none"> • Possessing drug paraphernalia (S.C. Code § 44-53-391); or • Selling or delivering drug paraphernalia when the sale or delivery is to the person who appears to be experiencing a drug-related overdose (S.C. Code § 44-53-391).
Protection as to other crimes/violations	<p>An eligible person will not be prosecuted for:</p> <ul style="list-style-type: none"> • Dispensing or delivering a controlled substance when the controlled substance is dispensed or delivered directly to the person who appears to be experiencing a drug-related overdose (S.C. Code § 44-53-370(a)); • Dispensing or delivering methamphetamine or cocaine when the methamphetamine or cocaine base is dispensed or delivered directly to the person who appears to be experiencing a drug-related overdose (S.C. Code § 44-53-375(B)); • Purchasing, attempting to purchase, consuming, or knowingly possessing alcoholic beverages by an individual under the age of 21 (S.C. Code § 63-19-2440); • Transferring or giving beer or wine to a person under the age of 21 for consumption (S.C. Code § 61-4-90); or • Contributing to the delinquency of a minor (S.C. Code § 16-17-490).

<u>SOUTH CAROLINA</u>	
Requirement(s) for the protection to apply	<ul style="list-style-type: none"> • Evidence for the prosecution must have been obtained as a result of the person seeking medical assistance for the apparent overdose on the premises or immediately after seeking medical assistance. • Person reporting the overdose must: <ul style="list-style-type: none"> ○ Act in good faith when seeking medical assistance, upon a reasonable belief that he or she was the first person to call for assistance; ○ Provide his or her own name to the 911 system or to a law enforcement officer upon arrival; ○ Not seek medical assistance during the course of the execution of an arrest warrant, search warrant, or other lawful search; and ○ Remain with the individual needing medical assistance until help arrives.
Exception(s) to protection	If the person seeking medical assistance pursuant to this section previously has sought medical assistance for another person pursuant to this article, the court may consider the circumstances of the prior incidents and the related offenses to determine whether to grant the person immunity from prosecution.
Reporting overdose a mitigating factor in sentencing	Yes.
Offenses subject to mitigation	Criminal prosecution or sentencing for a drug or alcohol-related offense.
Circumstance(s) when mitigation applies	When a person sought medical assistance for someone experiencing an overdose.
Other provisions of note	None.
DIH or DDRD provision in state law	No.
Classification of DIH/DRDD offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DRDD offense	N/A

<u>SOUTH DAKOTA</u>	
Statute(s)	SDCL §§ 34-20A-109 to 34-20A-113.

<u>SOUTH DAKOTA</u>	
Initial effective date(s)	March 13, 2017 for all statutes.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who contacts any law enforcement or emergency medical services and reports that a person is in need of emergency medical assistance as the result of a drug-related overdose. • Person who experiences a drug-related overdose and is in need of medical assistance. <p>The law defines the phrase “drug-related overdose” as a condition resulting from the use of a controlled substance or another substance combined with one.</p>
Protection as to controlled substance possession crimes	An eligible person will not be arrested or prosecuted for any misdemeanor or felony offense of possession, inhalation, ingestion, or otherwise taking into the body any controlled drug or substance.
Protection as to drug paraphernalia crimes	None.
Protection as to other crimes/violations	None.
Requirement(s) for the protection to apply	<ul style="list-style-type: none"> • Evidence for the charge or prosecution must have been obtained as a result of the person seeking medical assistance as the result of a drug-related overdose. • Person seeking medical assistance for another person remains on the scene and cooperates with medical assistance and law enforcement personnel.
Exception(s) to protection	A person can only qualify for immunity once.
Reporting overdose a mitigating factor in sentencing	Yes.
Offenses subject to mitigation	Criminal prosecution for which immunity is not provided.
Circumstance(s) when mitigation applies	When a person provides first aid or other medical assistance to someone who is experiencing a drug-related overdose.
Other provisions of note	None.
DIH or DDRD provision in state law	No.
Classification of DIH/DDRDR offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DDRDR offense	N/A

<u>TENNESSEE</u>	
Statute(s)	T. C. A. § 63-1-156.
Initial effective date(s)	July 1, 2015.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who in good faith seeks medical assistance for a person experiencing or believed to be experiencing a drug overdose. • Person who is experiencing a drug overdose and who in good faith seeks medical assistance, or is the subject of a request, for medical assistance. <p>The law defines the phrases “drug overdose,” “medical assistance,” and “seeks medical assistance.” A “drug overdose” is a condition resulting from the use of a controlled substance or another substance inhaled, ingested, injected, or introduced.</p>
Protection as to controlled substance possession crimes	An eligible person will not be arrested, charged, or prosecuted for the offense of simple possession or casual exchange of a controlled substance (T. C. A. § 39-17-418).
Protection as to drug paraphernalia crimes	An eligible person will not be arrested, charged, or prosecuted for the offense of possession of drug paraphernalia (T. C. A. § 39-17-425).
Protection as to other crimes/violations	<p>An eligible person will not be subject to:</p> <ul style="list-style-type: none"> • Penalties for a violation of a permanent or temporary protective order or restraining order; or • Sanctions for a violation of a condition of pretrial release, condition of probation, or condition of parole based on a drug violation.
Requirement(s) for the protection to apply	Evidence for the arrest, charge, or prosecution of the drug violation must have resulted from the seeking of medical assistance.

<u>TENNESSEE</u>	
Exception(s) to protection	<p>The immunity from being arrested, charged, or prosecuted applies to the person experiencing a drug overdose only on the eligible person's first such drug overdose.</p> <p>The existence of the protections does not limit:</p> <ul style="list-style-type: none"> • Admissibility of any evidence in connection with the investigation or prosecution of a crime with regard to a defendant who does not qualify for the protections or with regard to other crimes committed by a person who otherwise qualifies for the protections; • Any seizure of evidence or contraband otherwise permitted by law; or • Authority of a law enforcement officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except those for which protections are provided.
Reporting overdose a mitigating factor in sentencing	Yes.
Offenses subject to mitigation	Criminal prosecution for which immunity is not provided.
Circumstance(s) when mitigation applies	A person provides first aid or other medical assistance to someone who is experiencing a drug overdose.
Other provisions of note	None.
DIH or DDRD provision in state law	T. C. A. § 39-13-210 (effective as amended July 1, 2018).
Classification of DIH/DRDD offense	Second degree murder.
Circumstance(s) when DIH/DRDD applies	<ul style="list-style-type: none"> • Killing of another that results from the unlawful distribution of any Schedule I or Schedule II drug, when the drug is the proximate cause of the death of the user. • Killing of another by unlawful distribution or unlawful delivery or unlawful dispensation of fentanyl or carfentanil, when those substances alone, or in combination with any substance scheduled as a controlled substance by the Tennessee Drug Control Act of 1989, including controlled substance analogs, is the proximate cause of the death of the user.
Affirmative defense of DIH/DRDD offense	None.

<u>TEXAS</u>	
Statute(s)	No state law explicitly pertaining to Good Samaritan fatal overdose prevention.
Initial effective date(s)	N/A
Substantive amendments to law(s)	N/A
Individual(s) eligible for GS protection	N/A
Protection as to controlled substance possession crimes	N/A
Protection as to drug paraphernalia crimes	N/A
Protection as to other crimes/violations	N/A
Requirement(s) for the protection to apply	N/A
Exception(s) to protection	N/A
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A
Other provisions of note	None.
DIH or DDRD provision in state law	No.
Classification of DIH/DDRDR offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DDRDR offense	N/A

<u>UTAH</u>	
Statute(s)	<ul style="list-style-type: none"> • U.C.A. § 58-37-8(16) (Good Samaritan protections). • U.C.A. § 76-3-203.11 (mitigating factor in sentencing).
Initial effective date(s)	March 20, 2014.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who reports in good faith an overdose event to a medical provider, an emergency medical services provider, a law enforcement officer, a 911 emergency call system, or an emergency dispatch system. • Person who is the subject of an overdose report.
Protection as to controlled substance possession crimes	<p>An eligible person has an affirmative defense to an allegation of the commission of the following offenses:</p> <ul style="list-style-type: none"> • Possession or use of less than 16 ounces of marijuana; and • Possession or use of a scheduled or listed controlled substance other than marijuana.
Protection as to drug paraphernalia crimes	An eligible person has an affirmative defense to an allegation of any violation of the Utah Drug Paraphernalia Act (U.C.A. §§ 58-37a-1 through 7).
Protection as to other crimes/violations	An eligible person has an affirmative defense to an allegation of any violation of the Imitation Controlled Substances Act. (U.C.A. §§ 58-37b-1 through 9).
Requirement(s) for the protection to apply	<ul style="list-style-type: none"> • Provide a functional description of the actual location of the overdose event that facilitates responding to the person experiencing the overdose event. • Remain at the location of the person experiencing the overdose event until a responding law enforcement officer or emergency medical service provider arrives, or remains at the medical care facility where the person experiencing an overdose event is located until a responding law enforcement officer arrives. • Cooperate with the responding medical provider, emergency medical service provider, and law enforcement officer, including providing information regarding the person experiencing the overdose event and any substances the person may have injected, inhaled, or otherwise introduced into the person's body. • Offense must be allegedly committed in the same course of events from which the reported overdose arose.
Exception(s) to protection	Good faith does not include seeking medical assistance under this section during the course of a law enforcement agency's execution of a search warrant, execution of an arrest warrant, or other lawful search.
Reporting overdose a mitigating factor in sentencing	Yes.

<u>UTAH</u>	
Offenses subject to mitigation	Offenses under Utah’s Controlled Substances Act. (Chapter 37 of Title 58 of the Utah Code).
Circumstance(s) when mitigation applies	When a person reports in good faith an overdose event to a medical provider, an emergency medical service provider, a law enforcement officer, a 911 emergency call system, or an emergency dispatch system.
Other provisions of note	None.
DIH or DDRD provision in state law	No.
Classification of DIH/DRDD offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DRDD offense	N/A

<u>VERMONT</u>	
Statute(s)	18 V.S.A. § 4254.
Initial effective date(s)	June 5, 2013.
Substantive amendments to law(s)	June 17, 2014, amendment added protections for a person who is the subject of a good faith request for medical assistance in addition to a person who seeks medical assistance for a drug overdose.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who, in good faith and in a timely manner, seeks medical assistance for someone who is experiencing a drug overdose. • Person who is experiencing a drug overdose and, in good faith, seeks medical assistance for himself or herself or is the subject of a good faith request for medical assistance. <p>The law defines the phrases “drug overdose,” “medical assistance,” and “seeks medical assistance.” A “drug overdose” is a condition resulting from the use of a “regulated drug.”</p>
Protection as to controlled substance possession crimes	An eligible person will not be cited, arrested, or prosecuted for a violation of Chapter 84 (“Possession and Control of Regulated Drugs”; 18 V.S.A. §§ 4201 through 4255).
Protection as to drug paraphernalia crimes	Vermont does not criminalize the possession of drug paraphernalia.
Protection as to other crimes/violations	<p>An eligible person will not be cited, arrested, or prosecuted for procuring, possessing, or consuming alcohol by someone under the age of 21 (7 V.S.A. § 656) or for providing to or enabling consumption of alcohol by someone under the age of 21 (7 V.S.A. § 658(a)-(c)).</p> <p>An eligible person has protection from:</p> <ul style="list-style-type: none"> • Any of the penalties for violation of a protection order; • Any sanctions for a violation of a condition of pretrial release, probation, furlough, or parole; or • Having property subject to civil forfeiture, except that prima facie contraband will be subject to forfeiture.
Requirement(s) for the protection to apply	Evidence must have been gained as a proximate result of the person’s seeking medical assistance for a drug overdose, being the subject of a good faith request for medical assistance, being at the scene, or being within close proximity to any person at the scene of the drug overdose for which medical assistance was sought.
Exception(s) to protection	The immunity provisions do not preclude prosecution of the person on the basis of evidence obtained from an independent source.
Reporting overdose a mitigating factor in sentencing	Yes.
Offenses subject to mitigation	Any non-protected offense.

<u>VERMONT</u>	
Circumstance(s) when mitigation applies	When a person seeks medical assistance for someone who is experiencing a drug overdose.
Other provisions of note	Except in cases of reckless or intentional misconduct, law enforcement will be immune from liability for citing or arresting a person who is later determined to qualify for immunity.
DIH or DDRD provision in state law	18 V.S.A. § 4250 (effective June 4, 2003).
Classification of DIH/DRDD offense	Felony.
Circumstance(s) when DIH/DRDD applies	If the death of a person results from the selling or dispensing of a regulated drug to the person, and the person's use of the regulated drug is the proximate cause of the death.
Affirmative defense of DIH/DRDD offense	18 V.S.A. § 4250 is within Chapter 84 of the Vermont Statutes. Thus, a person eligible for Good Samaritan protection under 18 V.S.A. § 4254 may not be cited, arrested, or prosecuted under § 4250.

<u>VIRGINIA</u>	
Statute(s)	VA Code Ann. § 18.2-251.03.
Initial effective date(s)	July 1, 2015.
Substantive amendments to law(s)	<p>July 1, 2019 amendment removed the requirement that, if requested by a law enforcement officer, an eligible individual substantially cooperate in any investigation of any criminal offense reasonably related to the controlled substance, alcohol, or combination of such substances that resulted in the overdose.</p> <p>July 1, 2020 amendment:</p> <ul style="list-style-type: none"> • Changed the nature of the protection from an affirmative defense to prosecution to protection from arrest or prosecution; • Expanded the protection to an individual who is experiencing an overdose and for whom another individual, in good faith, seeks or obtains emergency medical attention for such person; and • Provided that a law enforcement officer acting in good faith will not be liable for false arrest.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Individual who in good faith seeks or obtains emergency medical attention for himself or herself, if he or she is experiencing an overdose. • Individual who in good faith seeks or obtains emergency medical attention for another individual if such other individual is experiencing an overdose. • Individual experiencing an overdose and another individual, in good faith, seeks or obtains emergency medical attention for such individual. <p>The law defines the term “overdose” as a condition resulting from the use of a controlled substance, alcohol, or a combination of these.</p>
Protection as to controlled substance possession crimes	<p>An eligible individual will not be arrested or prosecuted for the offense of:</p> <ul style="list-style-type: none"> • Possession of a controlled substance (VA Code Ann. § 18.2-250); or • Possession of marijuana (VA Code Ann. § 18.2-250.1).
Protection as to drug paraphernalia crimes	<p>An eligible individual will not be arrested or prosecuted for the offense of possession of controlled paraphernalia (VA Code Ann. § 54.1-3466).</p>
Protection as to other crimes/violations	<p>An eligible individual will not be arrested or prosecuted for:</p> <ul style="list-style-type: none"> • Unlawful purchase, possession, or consumption of alcohol by an individual under the age of 21 (VA Code Ann. § 4.1-305); or • Offense of public intoxication (VA Code Ann. § 18.2-388).

<u>VIRGINIA</u>	
Requirement(s) for the protection to apply	<p>The reporting individual must:</p> <ul style="list-style-type: none"> • Remain at the scene of the overdose or at any alternative location to which the individual or the person requiring emergency medical attention has been transported until a law enforcement officer responds to the report of an overdose; and • Identify himself or herself to the law enforcement officer who responds to the report of the overdose. <p>The evidence for the prosecution of an offense must have been obtained as a result of the individual seeking or obtaining emergency medical attention.</p>
Exception(s) to protection	<ul style="list-style-type: none"> • Protections do not apply to any person who seeks or obtains emergency medical attention for himself or herself or another individual, or to a person experiencing an overdose when another individual seeks or obtains emergency medical attention for him or her, during the execution of a search warrant or during the conduct of a lawful search or a lawful arrest. • Law does not establish protection from arrest or prosecution for any individual or offense not listed in the section.
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A
Other provisions of note	A law enforcement officer acting in good faith will not be found liable for false arrest if it is later determined that the person arrested was immune from prosecution.
DIH or DDRD provision in state law	No.
Classification of DIH/DDRDR offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DDRDR offense	N/A

<u>WASHINGTON</u>	
Statute(s)	<ul style="list-style-type: none"> • RCWA 69.50.315 (Good Samaritan protections). • RCWA 9.94A.535(1)(i) (mitigating factor for sentencing).

<u>WASHINGTON</u>	
Initial effective date(s)	June 10, 2010 for both statutes.
Substantive amendments to law(s)	No.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person acting in good faith who seeks medical assistance for someone experiencing a drug-related overdose. • Person who experiences a drug-related overdose and is in need of medical assistance.
Protection as to controlled substance possession crimes	An eligible person will not be charged or prosecuted for: <ul style="list-style-type: none"> • Possession of a controlled substance (RCWA 69.50.4013); or • Possession of 40 grams or less of marijuana (RCWA 69.50.4014).
Protection as to drug paraphernalia crimes	None.
Protection as to other crimes/violations	None.
Requirement(s) for the protection to apply	Evidence for the charge must have been obtained as a result of the overdose and the need for medical assistance.
Exception(s) to protection	The existence of the protection is not grounds for suppression of evidence in other criminal charges.
Reporting overdose a mitigating factor in sentencing	Yes.
Offenses subject to mitigation	Any offense.
Circumstance(s) when mitigation applies	When the defendant made a good faith effort to obtain or provide medical assistance for someone who was experiencing a drug-related overdose.
Other provisions of note	None.
DIH or DDRD provision in state law	RCWA 69.50.415 (effective March 28, 1996).
Classification of DIH/DRDD offense	Class B felony.
Circumstance(s) when DIH/DRDD applies	When a person unlawfully delivers a controlled substance in violation of RCW 69.50.401(2) (a), (b), or (c) and the controlled substance is subsequently used by the person to whom it was delivered, resulting in the death of the user.
Affirmative defense of DIH/DRDD offense	None.

<u>WEST VIRGINIA</u>	
Statute(s)	W. Va. Code, §§ 16-47-1 to 16-47-6.
Initial effective date(s)	June 12, 2015.
Substantive amendments to law(s)	None.
Individual(s) eligible for GS protection	<ul style="list-style-type: none"> • Person who, in good faith and in a timely manner, seeks emergency medical assistance for a person who reasonably appears to be experiencing an overdose. • Person for whom emergency medical assistance is sought. The law defines the terms “overdose” and “emergency medical assistance.” An “overdose” is a condition resulting from the use of a controlled substance or alcohol.
Protection as to controlled substance possession crimes	An eligible person may not be criminally responsible for knowingly or intentionally possessing a controlled substance or imitation controlled substance without a prescription (W. Va. Code, § 60A-4-401(c)).
Protection as to drug paraphernalia crimes	None.
Protection as to other crimes/violations	<p>An eligible person may not be held criminally responsible for:</p> <ul style="list-style-type: none"> • Purchasing, consuming, or possessing alcohol if under the age of 21 (W. Va. Code, §§ 60-8-20A(a) and 60-3A-24(a)); • Purchasing alcohol from a licensee through misrepresentation of age (W. Va. Code, §§ 60-8-20A(b) and 60-3A-24(b)); or • Appearing in a public place in an intoxicated condition; drinking alcohol in a public place; or drinking alcoholic liquor in a motor vehicle on a highway, street, alley, or in a public garage (W. Va. Code, § 60-6-9(a)). <p>An eligible person is not subject to any sanctions for a violation of a condition of pretrial release, probation, furlough, or parole.</p>

<u>WEST VIRGINIA</u>	
Requirement(s) for the protection to apply	<p>The person seeking assistance must:</p> <ul style="list-style-type: none"> • Remain with the person who reasonably appears to be in need of emergency medical assistance due to an overdose until such assistance is provided; • Identify himself or herself, if requested by emergency medical assistance personnel or law enforcement officers; and • Cooperate with and provide any relevant information requested by emergency medical assistance personnel or law enforcement officers needed to treat the person reasonably believed to be experiencing an overdose. <p>The person for whom assistance is sought must, after receiving emergency medical assistance, participate in, comply with, and complete a substance use disorder treatment or recovery program approved by the court.</p>
Exception(s) to protection	The limited immunity provided does not preclude claims asserted in a civil action even if immunity is provided in a criminal proceeding.
Reporting overdose a mitigating factor in sentencing	Yes.
Offenses subject to mitigation	Sentencing phase of a criminal proceeding in a prosecution for which immunity is not granted, provided that the proceeding was instituted based on conduct or evidence obtained as the result of the defendant seeking emergency medical assistance.
Circumstance(s) when mitigation applies	When a person sought emergency medical assistance for a person who reasonably appears to be experiencing an overdose.
Other provisions of note	<ul style="list-style-type: none"> • As an alternative to immunity for a person for whom emergency medical assistance was sought, a court may consider the following alternative sentencing and clemency options: (1) deferred prosecution; (2) pretrial diversion; (3) adjudication in drug court; or (4) any other appropriate form of alternative sentencing or rehabilitation permitted by this code, including, but not limited to: (a) probation; (b) conditional discharge; or (c) the weekend jail program, the work program, or the community service program. • Person eligible for immunity who is charged with a non-exempted offense may nevertheless enter a guilty plea to an exempted offense if the person, after consultation with his or her attorney, so desires.
DIH or DDRD provision in state law	W. Va. Code, § 61-2-1 (effective March 13, 1991).
Classification of DIH/DRRD offense	First degree murder.

<u>WEST VIRGINIA</u>	
Circumstance(s) when DIH/DRDD applies	Death that occurs during the felony offense of manufacturing or delivering a controlled substance.
Affirmative defense of DIH/DRDD offense	None.

<u>WISCONSIN</u>	
Statute(s)	W.S.A. 961.443.
Initial effective date(s)	April 9, 2014.
Substantive amendments to law(s)	<p>Protection for the offense of possession of a masking agent added effective March 9, 2016.</p> <p>Amendment effective July 17, 2017 added:</p> <ul style="list-style-type: none"> • Certain protections for person receiving medical assistance; • Protection for having parole, probation, or extended supervision revoked; and • Requirement that person seeking assistance “makes contact” with first responder, medical provider, or 911 operator when seeking assistance. <p>Most of the provisions added via the 2017 amendment were subject to a sunset provision repealing them effective August 1, 2020. The aspects of Wisconsin law which changed are noted below. Stated briefly, as of August 1, 2020, the statute only provides protection to persons seeking medical assistance (“aider”) and only for controlled substance possession/drug paraphernalia crimes.</p>
Individual(s) eligible for GS protection	<p>“Aider,” who is defined as a person who brings another to a medical facility, contacts law enforcement or emergency medical services, or calls 911 because the person reasonably believes the other person is suffering from an overdose of, or other adverse reaction to, any controlled substance or controlled substance analog.</p> <p>[As of August 1, 2020, there are no protections provided to an aided person.]</p>
Protection as to controlled substance possession crimes	An eligible aider is immune from prosecution for the offense of possession of a controlled substance or a controlled substance analog (W.S.A. 961.41(3g)).
Protection as to drug paraphernalia crimes	An eligible aider is immune from prosecution for the offense of possession of drug paraphernalia (W.S.A. 961.573).
Protection as to other crimes/violations	<p>An eligible aider is immune from prosecution for the offense of possession of a masking agent (W.S.A. 961.69(2)).</p> <p>[As of August 1, 2020, an eligible aider is no longer immune from prosecution for bail jumping or protected from having his or her parole, probation, or extended supervision revoked.]</p>

<u>WISCONSIN</u>	
Requirement(s) for the protection to apply	An aider must make contact with first responder, medical provider, or 911 operator when seeking assistance and not merely summon or call for assistance. [As of August 1, 2020, there is no longer a requirement that: (1) an aider attempt to obtain assistance immediately after he or she believes the other person is suffering from the overdose or other adverse reaction; or (2) an aided person complete a treatment program as a condition of his or her parole, probation, or extended supervision or, if a treatment program is unavailable or would be prohibitive financially, agrees to be imprisoned in the county jail for not less than 15 days.]
Exception(s) to protection	None.
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A
Other provisions of note	[As of August 1, 2020, there is no longer a provision that an aided person who received medical assistance and is subject to prosecution for: (1) possession of drug paraphernalia; (2) possession of a controlled substance or a controlled substance analog; or (3) possession of a masking agent, will be offered a deferred prosecution agreement by the district attorney, which includes the completion of a treatment program.]
DIH or DDRD provision in state law	W.S.A. 940.02 (effective July 26, 2002).
Classification of DIH/DDRDR offense	First-degree reckless homicide.

<u>WISCONSIN</u>	
Circumstance(s) when DIH/DRDD applies	<ul style="list-style-type: none"> • When a person manufactures, distributes, or delivers a controlled substance included in Schedule I or II, a controlled substance analog of a controlled substance included in Schedule I or II, or ketamine or flunitrazepam, and another human being uses the controlled substance or controlled substance analog and dies as a result of that use. • When a person administers or assists in administering a controlled substance, a controlled substance analog of a controlled substance included in Schedule I or II, or ketamine or flunitrazepam, without lawful authority to do so, to another human being and that human being dies as a result of the use of the substance.
Affirmative defense of DIH/DRDD offense	None.

<u>WYOMING</u>	
Statute(s)	No state law explicitly pertaining to Good Samaritan fatal overdose prevention.
Initial effective date(s)	N/A
Substantive amendments to law(s)	N/A
Individual(s) eligible for GS protection	N/A
Protection as to controlled substance possession crimes	N/A
Protection as to drug paraphernalia crimes	N/A
Protection as to other crimes/violations	N/A
Requirement(s) for the protection to apply	N/A
Exception(s) to protection	N/A
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A
Other provisions of note	None.
DIH or DDRD provision in state law	W.S. § 6-2-108 (effective as amended July 1, 2010).
Classification of DIH/DDRDR offense	Felony.
Circumstance(s) when DIH/DRDD applies	When the person is an adult or at least four years older than the victim and he or she unlawfully delivers a controlled substance to a minor and that minor dies as a result of the injection, inhalation, ingestion, or administration by any other means of any amount of that controlled substance.
Affirmative defense of DIH/DDRDR offense	None.

<u>AMERICAN SAMOA</u>	
Statute(s)	No jurisdictional law explicitly pertaining to Good Samaritan fatal overdose prevention.
Initial effective date(s)	N/A
Substantive amendments to law(s)	N/A
Individual(s) eligible for GS protection	N/A
Protection as to controlled substance possession crimes	N/A
Protection as to drug paraphernalia crimes	N/A
Protection as to other crimes/violations	N/A
Requirement(s) for the protection to apply	N/A
Exception(s) to protection	N/A
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A
Other provisions of note	None.
DIH or DDRD provision in state law	No.
Classification of DIH/DDRDR offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DDRDR offense	N/A

<u>GUAM</u>	
Statute(s)	No jurisdictional law explicitly pertaining to Good Samaritan fatal overdose prevention.
Initial effective date(s)	N/A
Substantive amendments to law(s)	N/A
Individual(s) eligible for GS protection	N/A
Protection as to controlled substance possession crimes	N/A
Protection as to drug paraphernalia crimes	N/A
Protection as to other crimes/violations	N/A
Requirement(s) for the protection to apply	N/A
Exception(s) to protection	N/A
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A
Other provisions of note	None.
DIH or DDRD provision in state law	9 G.C.A. § 16.30 (aggravated murder); 9 G.C.A. § 16.40 (murder) (both statutes effective as amended October 16, 1998).
Classification of DIH/DDRDR offense	Aggravated murder (victim is under the age of 18); murder (victim is over the age of 18).
Circumstance(s) when DIH/DRDD applies	Any person who knowingly or willingly transfers or sells any Schedule I controlled substance to a person and such controlled substance directly causes the death of such person.
Affirmative defense of DIH/DDRDR offense	None.

<u>NORTHERN MARIANA ISLANDS</u>	
Statute(s)	No jurisdictional law explicitly pertaining to Good Samaritan fatal overdose prevention.

<u>NORTHERN MARIANA ISLANDS</u>	
Initial effective date(s)	N/A
Substantive amendments to law(s)	N/A
Individual(s) eligible for GS protection	N/A
Protection as to controlled substance possession crimes	N/A
Protection as to drug paraphernalia crimes	N/A
Protection as to other crimes/violations	N/A
Requirement(s) for the protection to apply	N/A
Exception(s) to protection	N/A
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A
Other provisions of note	None.
DIH or DDRD provision in state law	No.
Classification of DIH/DRDD offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DRDD offense	N/A

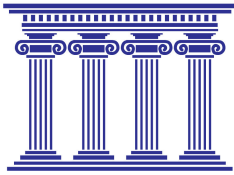
<u>PUERTO RICO</u>	
Statute(s)	No jurisdictional law explicitly pertaining to Good Samaritan fatal overdose prevention.
Initial effective date(s)	N/A
Substantive amendments to law(s)	N/A
Individual(s) eligible for GS protection	N/A
Protection as to controlled substance possession crimes	N/A
Protection as to drug paraphernalia crimes	N/A
Protection as to other crimes/violations	N/A
Requirement(s) for the protection to apply	N/A
Exception(s) to protection	N/A
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A
Other provisions of note	None.
DIH or DDRD provision in state law	No.
Classification of DIH/DRDD offense	N/A
Circumstance(s) when DIH/DRDD applies	N/A
Affirmative defense of DIH/DRDD offense	N/A

<u>U.S. VIRGIN ISLANDS</u>	
Statute(s)	No jurisdictional law explicitly pertaining to Good Samaritan fatal overdose prevention.
Initial effective date(s)	N/A
Substantive amendments to law(s)	N/A
Individual(s) eligible for GS protection	N/A
Protection as to controlled substance possession crimes	N/A
Protection as to drug paraphernalia crimes	N/A
Protection as to other crimes/violations	N/A
Requirement(s) for the protection to apply	N/A
Exception(s) to protection	N/A
Reporting overdose a mitigating factor in sentencing	No.
Offenses subject to mitigation	N/A
Circumstance(s) when mitigation applies	N/A
Other provisions of note	None.
DIH or DDRD provision in state law	19 V.I.C. § 612a (effective as amended November 9, 1990).
Classification of DIH/DDRDR offense	Felony.
Circumstance(s) when DIH/DRDD applies	Any person who manufactures, distributes, or dispenses methamphetamine, lysergic acid diethylamide, phencyclidine, or any other controlled dangerous substance in Schedules I or II, or any controlled substance analog thereof, shall be liable for a death which results from the injection, inhalation, or ingestion of that substance.
Affirmative defense of DIH/DDRDR offense	None.

ABOUT THE LEGISLATIVE ANALYSIS AND PUBLIC POLICY ASSOCIATION

Based in Washington D.C., and led by and comprised of experienced attorneys, the Legislative Analysis and Public Policy Association is a 501(c)(3) nonprofit organization whose mission is to conduct legal and legislative research and analysis and draft legislation on effective law and policy in the areas of public safety and health, substance use disorders, and the criminal justice system.

LAPPA produces timely model laws and policies that can be used by national, state, and local public health, public safety, and substance use disorder practitioners who want the latest comprehensive information on law and policy as well as up-to-the-minute comparative analyses, publications, educational brochures, and other tools ranging from podcasts to fact sheets. Examples of topics on which LAPPA has assisted stakeholders include naloxone laws, law enforcement/community engagement, alternatives to incarceration for those with substance use disorders, medication-assisted treatment in correctional settings, and the involuntary commitment and guardianship of individuals with alcohol or substance use disorders.



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