

HB 296 -- Missouri Good Samaritan Law

Sponsor: Spencer

This bill establishes the Missouri Good Samaritan Law which specifies that a person who, in good faith, seeks or obtains emergency medical assistance for someone experiencing a controlled substance-induced overdose or a person who is experiencing an overdose cannot be charged or prosecuted for possession of a controlled substance or an imitation controlled substance if evidence of the possession charge was acquired as a result of the person seeking or obtaining emergency medical assistance if the amount of the substance recovered is less than the amounts specified in the bill. However, if law enforcement has reasonable suspicion or probable cause to detain, arrest, or search a person for criminal activity based upon information obtained prior to or independent and not obtained as a direct result of the person taking action to seek or obtain emergency medical assistance, the limited immunity provided in these provisions will not apply.

The fact that a defendant sought or obtained emergency medical assistance for an overdose for himself or herself or for another must be accorded weight in favor of withholding or minimizing a sentence of imprisonment for violating specific provisions regarding controlled substances.