

FIRST REGULAR SESSION

HOUSE BILL NO. 539

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LYNCH.

1000H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

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

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

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

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

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

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

2. A person who, in good faith, seeks medical assistance for someone who is experiencing a drug or alcohol overdose or other medical emergency or a person experiencing a drug or alcohol overdose or other medical emergency who seeks medical assistance for himself or herself or is the subject of a good faith request shall not be arrested, charged, prosecuted, convicted, or have his or her property subject to civil forfeiture or otherwise be penalized for the following if the evidence for the arrest, charge,

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

18 prosecution, conviction, seizure, or penalty was gained as a result of seeking medical
19 assistance:

20 (1) Committing a prohibited act under section 195.130, 195.202, 195.233, or
21 195.241;

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

23 (3) Violating a restraining order; or

24 (4) Violating probation or parole.

25 3. The act of seeking medical assistance for someone who is experiencing a drug or
26 alcohol overdose or other medical emergency shall be considered by the court as a
27 mitigating factor in any criminal prosecution for which immunity is not provided by this
28 section.

✓