



Good Samaritan Overdose Prevention Statutes

Research current through March 1, 2016

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This table is a compilation of state Good Samaritan laws that specifically address assisting another person during an opioid-related overdose. The state laws listed in the endnotes denote the jurisdictions’ general “Good Samaritan” statutes that encourage a person to assist another person during any emergency and in a voluntary capacity but do not specifically mention an overdose.

The following are definitions for the headings used in this document:

Immunity from Other Laws: A person who experiences an overdose, or seeks or provides assistance for another person who experiences an overdose, will not be held liable for civil damages, criminal prosecution, probation and parole violations, or the like.

Mitigating Factor: In any criminal prosecution or sentencing for a drug or alcohol-related offense for which a person has not been found to be immune, a court may take into consideration the fact the defendant made an effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose.

	LAW	IMMUNITY FROM OTHER LAWS	MITIGATING FACTOR
AL	Ala. Code § 28-1-5.1	A person is immune from prosecution for a misdemeanor controlled substance offense if law enforcement became aware of the offense solely because the individual was seeking medical assistance for another individual and the person (1) acted in good faith, upon a reasonable belief that he or she was the first to call for assistance; (2) used his or her own name when contacting authorities; and (3) remained with the person needing medical assistance until help arrived.	
AK	Alaska Stat. Ann. § 11.71.311 § 12.55.155(d)(19)	A person is immune from prosecution for a violation of misconduct involving a controlled substance in the third, fourth or fifth degrees if he or she, in good faith, sought medical or law enforcement assistance for another person who he or she reasonably believed was experiencing a drug overdose and: (1) the evidence supporting the prosecution for an offense was obtained or discovered as a result of the person seeking medical or law enforcement assistance; (2) he or she remained at the scene with the other person until medical or law enforcement assistance arrived; and (3) he or she cooperated with medical or law enforcement personnel. The person also is immune if he or she was experiencing a drug overdose and sought medical assistance and the evidence supporting a prosecution for an offense was obtained as a result of the overdose and the need for medical assistance.	When sentencing a defendant for a controlled substance violation, a court may take into account that that “the defendant sought medical assistance for another person who was experiencing a drug overdose contemporaneously with the commission of the offense.”
AR	Ark. Code Ann. § 20-13-1704	A person is immune from arrest, charge, or prosecution for possession of a controlled	

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	LAW	IMMUNITY FROM OTHER LAWS	MITIGATING FACTOR
		<p>substance if the evidence resulted solely from seeking medical assistance if: (1) the person, in good faith, seeks medical assistance for someone who is experiencing a drug overdose; or (2) the person who is experiencing a drug overdose, in good faith, seeks medical assistance for him or herself.</p> <p>Additionally, a person is immune to penalties for a violation of a permanent or temporary protective or restraining order or sanctions for a violation of a condition of pretrial release, condition of probation, or condition of parole based on the possession of a controlled substance if the penalties or sanctions relate to the seeking of medical assistance.</p>	
CA	Cal. Health & Safety Code § 11376.5	<p>A person who is under the influence of, or possesses for personal use, a controlled substance, controlled substance analog, or drug paraphernalia, is immune from being charged for such use or possession if that person, in good faith, seeks medical assistance for another person experiencing a drug-related overdose.</p> <p>A person who experiences a drug-related overdose and who is in need of medical assistance is immune from being charged with possession of a controlled substance (for personal use), controlled substance analog, or drug paraphernalia, if that person or one or more other persons at the scene of the overdose, in good faith, seek medical</p>	

LAW	IMMUNITY FROM OTHER LAWS	MITIGATING FACTOR	
CO	<p>Colo. Rev. Stat. § 18-1-711</p>	<p>assistance for the person experiencing the overdose.</p> <p>A person who, in good faith, reports an emergency drug or alcohol overdose to a law enforcement officer; the 911 system; or a medical provider is immune from criminal prosecution for possession or use of a controlled substance, possession or use of a synthetic cannabinoid, possession of drug paraphernalia, or possession or consumption of marijuana or ethyl alcohol by an underage person, as long as: the person remains at the scene of the event until a law enforcement officer or an EMT arrives or the person remains at the facilities of the medical provider until a law enforcement officer arrives; the person identifies himself or herself to, and cooperates with, the law enforcement officer, EMT, or medical provider; and the offense arises from the same course of events from which the emergency drug or alcohol overdose event arose. This immunity also extends to the person who suffered the emergency drug or alcohol overdose.</p>	
CT	<p>Conn. Gen Stat. § 21a-267 § 21a-279</p>	<p>A person who, in good faith, seeks medical assistance for: another person who he or she reasonably believes is experiencing an overdose from the ingestion, inhalation, or injection of intoxicating liquor or any drug or substance; or his or her own overdose from the ingestion, inhalation, or injection of intoxicating liquor or any drug or substance, is immune from prosecution for possession with intent to use drug paraphernalia or possession with intent to deliver</p>	

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DE	Del. Code Ann. tit. 16, § 4769	<p>or manufacture with intent to deliver drug paraphernalia.</p> <p>A person who, in good faith, seeks medical assistance for: another person who he or she reasonably believes is experiencing an overdose from the ingestion, inhalation, or injection of intoxicating liquor or any drug or substance; or his or her own overdose from the ingestion, inhalation, or injection of intoxicating liquor or any drug or substance, is immune from prosecution for possession or use of any quantity of any narcotic or hallucinogenic substance.</p>	
DC	D.C. Code Ann. § 7-403	<p>Anyone who, in good faith, seeks medical attention for himself or herself, or for another person who is experiencing an overdose or other life-threatening medical emergency, is immune from being arrested, charged, or prosecuted for: miscellaneous drug crimes; possession and delivery of non-controlled prescription drugs; possession of controlled substances or counterfeit controlled substances; possession of drug paraphernalia; possession of marijuana; or underage drinking.</p> <p>A person who, in good faith, reasonably believes that he or she is experiencing a drug or alcohol-related overdose and seeks healthcare for himself or herself, or reasonably believes that another person is experiencing a drug or alcohol-related overdose and seeks healthcare for that person, is</p>	<p>Seeking emergency health care may be considered by the court as a mitigating factor in any criminal prosecution or sentencing for a drug or alcohol-related offense for which the person is not immune.</p>

LAW**IMMUNITY FROM OTHER LAWS****MITIGATING FACTOR**

		<p>immune from: prosecution for use or possession of a controlled substance; use or possession with intent to use drug paraphernalia; possession of drug paraphernalia with the intent to use it for the administration of a controlled substance; possession of alcohol by persons under 21 years of age; and, provided that the minor is at least 16 years of age and the provider is 25 years of age or younger, purchasing an alcoholic beverage for the purpose of delivering it to a person under 21 years of age, contributing to the delinquency of a minor with regard to possessing or consuming alcohol or, without a prescription, a controlled substance, and the sale or delivery of an alcoholic beverage to a person under 21 years of age.</p> <p>Moreover, the above-listed offenses must not serve as the sole basis for revoking or modifying a person's supervision status.</p>	
FL	<p>Fla. Stat. Ann. § 893.21 § 921.0026(2)(n)</p>	<p>A person acting in good faith who seeks medical assistance for another person experiencing a drug-related overdose, or a person who experiences a drug-related overdose and is in need of medical assistance, is immune from being charged, prosecuted, or penalized for possession of a controlled substance if the evidence for possession of a controlled substance was obtained as a result of the person's seeking medical assistance.</p>	<p>A court may depart from the lowest permissible sentence when “the defendant was making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose.”</p>
GA	<p>Ga. Code Ann. § 16-13-5(b)</p>	<p>A person who, in good faith, seeks medical assistance for another person experiencing or</p>	

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HI	Hawaii Rev. Stat. § 329-43.6	<p>believed to be experiencing a drug overdose or who is experiencing a drug overdose and, in good faith, seeks medical assistance for himself or herself is immune from being arrested, charged, or prosecuted for a drug violation.</p> <p>In such an instance, the person also shall not be subject to 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.</p> <p>Anyone who, in good faith, seeks medical assistance for someone who is experiencing a drug or alcohol overdose and a person experiencing a drug or alcohol overdose who seeks medical assistance for him or herself in good faith is immune from arrest, being arrested, charged, prosecution, or conviction and may not have their property subject to civil forfeiture or otherwise be penalized for: (1) possession of a controlled substance or drug paraphernalia; (2) providing or purchasing liquor for consumption or use by a minor or promoting intoxicating liquor to a minor; (3) violation of a restraining order; or (4) violation of probation or parole; if the evidence for the arrest, charge, prosecution, conviction, seizure, or penalty was gained as a result of the seeking of medical assistance.</p>	The court must consider the act of seeking medical assistance for someone who is experiencing a drug or alcohol overdose to be a mitigating factor in any controlled substance or alcohol-related criminal prosecution for which immunity is not provided.
IL	720 Ill. Comp. Stat. § 570/414	A person who, in good faith, seeks or obtains emergency medical assistance for someone	The court may withhold or minimize a sentence of imprisonment if “the defendant sought or

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	<p>§ 646/115</p> <p>730 Ill. Comp. Stat. § 5/5-5-3.1(a)(14)</p>	<p>experiencing an overdose or who is experiencing an overdose, is immune from being charged or prosecuted for “Class 4 felony possession of a controlled, counterfeit, or look-alike substance or a controlled substance analog,” provided that the amount of substance recovered is within the amounts listed in the statute.</p> <p>A person who, in good faith, seeks emergency medical assistance for someone experiencing an overdose or who is experiencing an overdose, is immune from being charged or prosecuted for “Class 3 felony possession of methamphetamine” provided that the amount of substance recovered is less than one gram of methamphetamine or a substance containing methamphetamine.</p>	<p>obtained emergency medical assistance for an overdose and was convicted of a Class 3 felony or higher possession, manufacture, or delivery of a controlled, counterfeit, or look-alike substance or a controlled substance analog” or a Class 2 felony or higher for the possession, manufacture or delivery of methamphetamine.</p>
IN	<p>Indiana Code § 34-30-12-1¹</p> <p>§ 35-38-1-7.1(b)(12)²</p>		
KY	<p>Ky. Rev. Stat § 218A.133</p>	<p>A person is immune from being charged or prosecuted for a criminal offense prohibiting the possession of a controlled substance or the possession of drug paraphernalia if: (1) he or she seeks, good faith, medical assistance with a drug overdose from a public safety answering point, emergency medical services, a law enforcement officer, or a health practitioner because the person: requests emergency medical assistance for himself or herself or another person; acts in concert with another person who requests emergency medical</p>	

LAW	IMMUNITY FROM OTHER LAWS	MITIGATING FACTOR
LA	<p>La. Rev. Stat. Ann. § 14:403.10</p> <p>A person who, in good faith, seeks medical assistance for another individual who is experiencing a drug-related overdose is immune from being charged, prosecuted, or penalized for possession of a controlled dangerous substance if the evidence for possession of the controlled substance was obtained as a result of the person's seeking medical assistance, unless the person illegally provided or administered a controlled substance to the individual.</p> <p>A person who experiences a drug-related overdose and is in need of medical assistance is immune from being charged, prosecuted, or penalized for possession of a controlled substance if the evidence for possession of the controlled substance was obtained as a result of the overdose and the need for medical assistance.</p>	
ME	<p>14 Me Rev. Stat. Ann. § 164³</p>	
MD	<p>Md. Crim. Proc. Code Ann. § 1-210</p> <p>A person who, in good faith, seeks, provides, or assists with the provision of medical assistance for another person reasonably believed to be</p>	<p>“The act of seeking, providing, or assisting with the provision of medical assistance for another person who is experiencing a medical emergency</p>

	LAW	IMMUNITY FROM OTHER LAWS	MITIGATING FACTOR
MA	Mass. Gen. Laws Ann., ch 94C, § 34A	<p>experiencing a medical emergency, after ingesting or using alcohol or drugs or a person who experiences a medical emergency after ingesting or using alcohol or drugs, is immune from arrest, charge or criminal prosecution if the evidence was obtained solely as a result of the person’s assistance with medical aid.</p> <p>A person who seeks, provides, or assists with the provisions of medical assistance is immune from any sanctions for violating a condition of pretrial release, probation, or parole if the evidence of the violation was obtained only as a result of the person seeking, providing, or assisting with the provision of medical assistance.</p>	<p>after ingesting or using alcohol or drugs may be used as a mitigating factor in a criminal prosecution of (1) the person who experienced the medical emergency; or (2) any person who sought, provided, or assisted in the provision of medical assistance.”</p> <p>“The act of seeking medical assistance for someone who is experiencing a drug-related overdose may be used as a mitigating factor in a criminal prosecution.”</p>
MI	Mich. Comp. Laws Ann. § 333.7403 § 333.7404	A person who is under 21 years of age and 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 perceived drug overdose from a prescription drug that was not directly prescribed for him or her is	

LAW**IMMUNITY FROM OTHER LAWS****MITIGATING FACTOR**

		<p>immune from criminal liability for possession of a controlled substance or its analogue if the evidence for the prosecution is obtained as a result of the person's seeking or being presented for medical assistance.</p> <p>A person who is under 21 years of age and 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 a perceived drug overdose arising from the use of a prescription drug that was not directly prescribed for him or her is immune from criminal liability for possession of a controlled substance or its analogue if the evidence for the prosecution is obtained as a result of the person's attempt to procure medical assistance for another person or as a result of the person accompanying another person who requires medical assistance to a health care facility.</p>	
MN	<p>Minn. Stat. Ann. § 604A.04 § 604A.05</p>	<p>A person who acts in good faith in administering an opiate antagonist to another person whom the person believes, in good faith, to be suffering a drug overdose is immune from civil liability and criminal prosecution.</p> <p>A person who acts in good faith and who seeks medical assistance for another person who is experiencing a drug-related overdose or a person who experiences a drug-related overdose and is in</p>	<p>“The act of providing first aid or other medical assistance to someone who is experiencing a drug-related overdose may be used as a mitigating factor in a criminal prosecution for which immunity is not provided.”</p>

LAW**IMMUNITY FROM OTHER LAWS****MITIGATING FACTOR**

		<p>need of medical assistance is immune from being charged or prosecuted for possession, sharing, or use of a controlled substance or possession of drug paraphernalia if: (1) the evidence for the charge or prosecution was obtained as a result of the person's seeking medical assistance; and (2) the person seeks medical assistance for another person who is in need of medical assistance for an immediate health or safety concern, provided that the person who seeks the medical assistance is the first person to seek the assistance, provides a name and contact information, remains on the scene until assistance arrives or is provided, and cooperates with the authorities.</p> <p>A person's pretrial release, probation, furlough, supervised release, or parole must not be revoked based on an incident for which the person would be immune from prosecution, as listed above.</p>	
MS	Miss. Code Ann. § 41-29-149.1	Any person who, in good faith, seeks medical assistance for someone who is experiencing a drug overdose, or any person who is experiencing a drug overdose and, in good faith, seeks medical assistance or is the subject of a request for medical assistance, is immune from arrest, charge, or prosecution for a drug violation if there is evidence that the person is under the influence of a controlled substance or in possession of a controlled substance.	

LAW	IMMUNITY FROM OTHER LAWS	MITIGATING FACTOR
MT	Mont. Code Ann. § 27-1-714 ⁴	That person also is immune from arrest, charge, or prosecution for: (1) penalties for a violation of a permanent or temporary protective order or restraining order; (2) sanctions for a violation of a condition of pretrial release, condition of probation, or condition of parole based on a drug violation; or (3) forfeiture of property for a drug violation, except that prima facie contraband shall be subject to forfeiture.
NE	Neb. Rev. Stat. § 25-21,186 ⁵	
NV	Nev. Rev. Stat., tit. 40, ch. 439-461A <i>Undesignated legislation</i> Nev. Rev. Stat. SB 459 § 6 SB 459 § 12	A person who, in good faith, seeks medical assistance for someone who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for him or herself, or who is the subject of a good faith request for such assistance, is immune from arrest, charge, prosecution, or conviction or from having his or her property subjected to forfeiture or otherwise be penalized for possessing drugs (unless it is for the purpose of selling) or paraphernalia or for the use of a controlled substance. That person also is immune from arrest, charge, prosecution, or conviction for violating: (1) a restraining order; or (2) parole or probation as long as the evidence to support the arrest, charge, prosecution, or conviction, seizure, or penalty was obtained as a result of the person seeking medical assistance.
		A court, before sentencing a person for a violation for which immunity is not provided must consider in mitigation any evidence or information that the 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.

LAW	IMMUNITY FROM OTHER LAWS	MITIGATING FACTOR
NH	<p>N.H. Rev. Stat. Ann. § 318-B:28-b</p> <p>A person who, in good faith and in a timely manner, requests medical assistance for another person who is experiencing a drug overdose, or is the subject of a good faith request for medical assistance because of a drug overdose, is immune from arrest, prosecution, or conviction for possessing, or having under his or her control, a controlled substance, if the evidence for the charge was gained as a proximate result of the request for medical assistance.</p>	
NJ	<p>N.J. Stat. Ann. § 2C:35-30 § 2C:35-31</p> <p>A person who, in good faith, seeks medical assistance for himself or herself or someone else experiencing a drug overdose is immune from being: arrested, charged, prosecuted, or convicted for obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of, a controlled dangerous substance or controlled substance analog; arrested, charged, prosecuted, or convicted for inhaling the fumes of or possessing any toxic chemical; arrested, charged, prosecuted, or convicted for using, obtaining, attempting to obtain, or possessing any prescription legend drug or stramonium preparation; arrested, charged, prosecuted, or convicted for acquiring or obtaining possession of a controlled dangerous substance or controlled substance analog; arrested, charged, prosecuted, or convicted for unlawfully possessing a controlled dangerous substance that was lawfully prescribed or dispensed; arrested, charged, prosecuted, or convicted for using or possessing with intent to use drug paraphernalia or for having</p>	

LAW	IMMUNITY FROM OTHER LAWS	MITIGATING FACTOR
NM	N.M. Stat. Ann. § 30-31-27.1	A person who, in good faith, seeks medical assistance for someone experiencing a drug-related overdose, or who experiences a drug-related overdose and is in need of medical assistance, is immune from being charged or prosecuted for possession of a controlled substance.
NY	N.Y. Penal Law § 220.03 § 220.78	A person who, in good faith, seeks healthcare for someone who is experiencing a drug or alcohol overdose or other life threatening medical emergency or who is experiencing a drug or alcohol overdose or other 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, is immune from being charged or prosecuted for a controlled substance offense or a marihuana offense, other than an offense involving sale for consideration or other benefit or gain, or charged or prosecuted for possession of alcohol by a person under age twenty-one years, or for possession of drug paraphernalia.
NC	N.C. Gen. Stat. § 18B-302.2 § 90-96.2	A person who is experiencing an overdose and is the subject of a request for medical assistance is immune from prosecution for any misdemeanor violation of possession of a controlled substance, a

LAW**IMMUNITY FROM OTHER LAWS****MITIGATING FACTOR**

		<p>felony violation for possession of less than one gram of cocaine, a felony violation for possession of less than one gram of heroin, or possession of drug paraphernalia if: (1) the person seeking medical assistance contacted the 911 system, a law enforcement officer, or emergency medical services personnel; (2) the calling for medical assistance acted in good faith and with a reasonable belief that he or she was the first to call for assistance, (3) the person did not seek the medical assistance during the course of the execution of an arrest warrant, search warrant, or other lawful search, or (4) the evidence for prosecution of the offenses listed above was obtained as a result of the person seeking medical assistance for the drug-related overdose.</p> <p>A person shall not be subject to arrest or revocation of pretrial release, probation, parole, or post-release if the arrest or revocation is based on an offense for which the person is immune from prosecution. The arrest of a person for such an offense provides the person with immunity and will not itself be deemed to be a commission of a new criminal offense in violation of a condition of the person's pretrial release, condition of probation, or condition of parole or post-release.</p> <p>A person under the age of 21 shall not be prosecuted for the possession or consumption of alcoholic beverages if: (1) the person sought</p>	
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LAW**IMMUNITY FROM OTHER LAWS****MITIGATING FACTOR**

		<p>medical assistance for an individual experiencing an alcohol-related overdose by contacting the 911 system, a law enforcement officer, or emergency medical services personnel, (2) the person acted in good faith when seeking medical assistance, upon a reasonable belief that he or she was the first to call for assistance, (3) the person provided his or her own name to the 911 system or to a law enforcement officer upon arrival, (4) the person did not seek medical assistance during the course of the execution of an arrest warrant, search warrant, or other lawful search, and (5) the evidence for prosecution for the possession or consumption of alcoholic beverages was obtained as a result of the person seeking medical assistance for the alcohol-related overdose.</p> <p>The person is immune from prosecution for the following offenses: (1) a misdemeanor violation for possession of a controlled substance; (2) a felony violation for possession of less than one gram of cocaine; (3) a felony violation for possession of less than one gram of heroin; and (4) a violation of use or possession with intent to use drug paraphernalia.</p>	
ND	N.D. Cent. Code § 19-03.1-23.4	A person is immune from criminal prosecution if he or she contacted law enforcement or EMS and reported that he or she, or another person, was in need of emergency medical assistance due to a drug overdose. The person is immune only if: (1) he or she remained on the scene until assistance	

	LAW	IMMUNITY FROM OTHER LAWS	MITIGATING FACTOR
		arrived; (2) cooperated with EMS and law enforcement personnel in the medical treatment of the reported drug overdosed person; and (3) the overdosed person must have been in need of emergency medical assistance. The maximum number of individuals that may claim immunity for any one incident is three.	
OK	Okla. Stat. Ann. tit. 76, § 5 ⁶		
OR	Or. Rev. Stat. § 475.898	<p>A person who contacts emergency medical services or a law enforcement agency to obtain medical assistance for another person who needs medical assistance due to a drug-related overdose and a person who is in need of medical assistance because he or she experienced a drug-related overdose is immune from arrest or prosecution for specified offenses if the evidence of the offense was obtained because the person contacted emergency medical services or a law enforcement agency.</p> <p>The immunity applies to arrest and prosecution for: (1) frequenting a place where controlled substances are used; (2) possession of a controlled substance; (3) unlawful possession of hydrocodone; (4) unlawful possession of methadone; (5) unlawful possession of oxycodone; (6) unlawful possession of heroin; (7) unlawful possession of marijuana or a marijuana product; (8) unlawful possession of 3,4-methylenedioxymethamphetamine; (9) unlawful</p>	

LAW**IMMUNITY FROM OTHER LAWS****MITIGATING FACTOR**

		<p>possession of cocaine; (10) unlawful possession of methamphetamine; (11) unlawful possession of a prescription drug; and (12) unlawful possession of drug paraphernalia with intent to sell or deliver.</p> <p>The person may not be arrested for violating, or found to be in violation of, the conditions of the person's pretrial release, probation, post-prison supervision or parole if the violation involves: (1) the possession or use of a controlled substance or frequenting a place where controlled substances are used; and (2) the evidence of the violation was obtained because the person contacted emergency medical services or law enforcement, or was in need of medical assistance, due to summoning or needing medical assistance.</p> <p>The person may not be arrested on an outstanding warrant for any of the offenses listed, 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 listed, if the location of the person was obtained because the person contacted emergency medical services or a law enforcement agency, or was in need of medical assistance due to a drug-related overdose. However, the warrant immunity does not apply to outstanding federal warrants or outstanding warrants issued from other states.</p>	
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PA	35 Pa. Cons. Stat. Ann. § 780-113.7	<p>A person may not be charged and is immune from prosecution for any offense listed below and for a violation of probation or parole if the person can establish the following: (1) law enforcement officers only became aware of the person's commission of the listed offense because the person transported a person experiencing a drug overdose to a law enforcement agency, a campus security office, or a health care facility; or (2) all of the following apply: (a) the person reported, in good faith, a drug overdose to a law enforcement officer, the 911 system, a campus security officer, or emergency services personnel and the report was 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; (b) the person provided his or her own name and location and cooperated with the law enforcement officer, 911 system, campus security officer or emergency services personnel; and (c) the person remained with the person needing immediate medical attention until a law enforcement officer, a campus security officer, or emergency services personnel arrived.</p> <p>The person may not be charged or prosecuted for probation and parole violations and for violations delineated and set forth in 35 Pa. Cons. Stat. Ann. § 780-113.</p>	

	LAW	IMMUNITY FROM OTHER LAWS	MITIGATING FACTOR
RI	R.I. Gen. Laws § 21-28.9-4	<p>A 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 overdose or other drug-related medical emergency, or who experiences a drug overdose or other drug-related medical emergency and is in need of medical assistance, is immune from being charged or prosecuted for any crime related to the possession of a controlled substance or drug paraphernalia, or the operation of a drug-involved premises, if the evidence for the charge was gained as a result of the overdose and the need for medical assistance.</p> <p>The immunity related to the possession of a controlled substance or drug paraphernalia or the operation of a drug-involved premises afforded also extends to a violation of probation and/or parole on those grounds.</p>	“The act of providing first aid or other medical assistance to someone who is experiencing a drug overdose or other drug-related medical emergency may be used as a mitigating factor in a criminal prosecution pursuant to the controlled substances act.”
SC	S.C. Code Ann. § 15-1-310 ⁷		
SD	S.D. Codified Laws Ann. § 20-9-4.1 ⁸		
TN	Tenn. Code Ann. § 63-1-156	A person who, in good faith, seeks medical assistance for a person experiencing or believed to	The act of providing first aid or other medical assistance to someone who is experiencing a drug

	LAW	IMMUNITY FROM OTHER LAWS	MITIGATING FACTOR
TX	Tex. Civ. Prac. and Remedies Code §§ 74.151 and 74.152 ⁹	<p>be experiencing a drug overdose or who is experiencing a drug overdose and who, in good faith, seeks medical assistance for, or is the subject of, a request for medical assistance is immune from arrest, charge, or prosecution for a drug violation if the evidence for the arrest, charge, or prosecution of the drug violation resulted from seeking such medical assistance.</p> <p>The immunity for a person experiencing a drug overdose applies only on the person's first such drug overdose. The person is immune from: (1) penalties for a violation of a permanent or temporary protective order or restraining order; or (2) sanctions for a violation of a condition of pretrial release, condition of probation, or condition of parole based on a drug violation.</p>	overdose may be used as a mitigating factor in a criminal prosecution for which immunity, is not provided.
UT	Utah Code Ann. § 58-37-8(16) § 76-3-203.11	A person who: reasonably believes that he or she, or another person, is experiencing an overdose event due to the ingestion, injection, inhalation, or other introduction into the human body of a controlled substance or other substance; reports, in good faith, the overdose to a medical provider, an EMS provider, a law enforcement officer, a 911 emergency call system, or an emergency dispatch system; provides a description of the location of the actual overdose; remains at the location of the	A court may consider as a mitigating factor that a person: reasonably believes that he or she, or another person, is experiencing an overdose event due to the ingestion, injection, inhalation, or other introduction into the human body of a controlled substance or other substance; reports, in good faith, the overdose to a medical provider, an EMS provider, a law enforcement officer, a 911 emergency call system, or an emergency dispatch system; provides a description of the location of

LAW**IMMUNITY FROM OTHER LAWS****MITIGATING FACTOR**

		<p>person experiencing the overdose until a law enforcement officer or EMS provider arrives, or remains at the medical care facility where the person experiencing the overdose is located until a responding law enforcement officer arrives; cooperates with the responding medical provider, EMS 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; and committed the offense in the same course of events from which the reported overdose arose is immune from being charged or prosecuted for: possession or use of less than 16 ounces of marijuana; possession or use of a scheduled controlled substance other than marijuana; or any violation of the state's Drug Paraphernalia Act or Imitation Controlled Substances Act.</p>	<p>the actual overdose; remains at the location of the person experiencing the overdose until a law enforcement officer or EMS provider arrives, or remains at the medical care facility where the person experiencing the overdose is located until a responding law enforcement officer arrives; cooperates with the responding medical provider, EMS 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; and committed the offense in the same course of events from which the reported overdose arose.</p>
VT	Vt. Stat. Ann., tit. 18, § 4254	<p>A person who, in good faith and in a timely manner, seeks medical assistance for someone who is experiencing a drug overdose and a 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, is immune from arrest or prosecution for possession and control of regulated drugs or citation, arrest, or prosecution for procuring, possessing, or consuming alcohol by someone under age 21 or for providing to, or</p>	<p>“The act of seeking medical assistance for or by someone who is experiencing a drug overdose shall be considered a mitigating circumstance at sentencing for a violation of any other offense.”</p>

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	<p>enabling consumption of, alcohol by someone under age 21.</p> <p>A person who seeks medical assistance for a drug overdose or is the subject of a good faith request for medical assistance is immune from the penalties for: (1) violation of an order of protection; (2) possession and control of regulated drugs; (3), procuring, possessing, or consuming alcohol by someone under age 21, or providing to, or enabling consumption of, alcohol by someone under age 21; (4) being at the scene of the drug overdose; or (5) being within close proximity to any person at the scene of the drug overdose.</p> <p>A person who seeks medical assistance for a drug overdose or is the subject of a good faith request for medical assistance is immune from any sanction for: (1) a violation of a condition of pretrial release, probation, furlough, or parole; (2) possession and control of regulated drugs; (3) being at the scene of the drug overdose; or (4) being within close proximity to any person at the scene of the drug overdose.</p> <p>A person who seeks medical assistance for a drug overdose is not subject to having his or her property forfeited, except that prima facie contraband shall be subject to forfeiture.</p>	

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VA	VA Code Ann. § 18.2-251.03	<p>The immunity applies only to the use and derivative use of evidence 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 and do not preclude prosecution of the person on the basis of evidence obtained from an independent source.</p> <p>A person who, in good faith, seeks or obtains emergency medical attention for himself or herself, if he or she is experiencing an overdose, or for another individual, if such other individual is experiencing an overdose, by contemporaneously reporting such overdose to a firefighter, emergency medical services personnel, a law-enforcement officer, or an emergency 911 system is immune from (1) prosecution for the unlawful purchase, possession, or consumption of alcohol; (2) possession of a controlled substance; (3) possession of marijuana; (4) intoxication in public; or (5) possession of controlled paraphernalia as long as: (1) the person remains at the scene of the overdose or at any alternative location to which he or she or the person requiring emergency medical attention has been transported until a law-enforcement officer responds to the report of an overdose. If no law-enforcement officer is present at the scene of the overdose or at the alternative location, then the person must identify himself or</p>	

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WA	Wash. Rev. Code Ann. § 9.94A.535(1)(i) § 69.50.315	<p>herself to the law-enforcement officer who responds to the report of the overdose; (2) the person, if requested by a law-enforcement officer, substantially cooperates in any investigation of any criminal offense reasonably related to the controlled substance, alcohol, or combination of such substances that resulted in the overdose; and (3) the evidence for the prosecution of an offense was obtained as a result of the individual seeking or obtaining emergency medical attention.</p> <p>The immunity does not apply if the person sought or obtained emergency medical attention for himself, herself, or another individual during the execution of a search warrant or during the conduct of a lawful search or a lawful arrest.</p> <p>A person acting in good faith and who seeks medical assistance for someone experiencing a drug-related overdose, or a person experiencing a drug-related overdose and is in need of medical assistance, is immune from being charged or prosecuted for possession of a controlled substance if the evidence for the charge of possession of a controlled substance was obtained as a result of the person seeking medical assistance.</p>	<p>The court may impose a sentence below the standard range if it finds that the defendant was making a good faith effort to obtain or provide medical assistance for someone who was experiencing a drug-related overdose.</p>
WV	W. Va. Code §§ 16-47-1 to 16-47-5	<p>A 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 is immune from criminal liability for</p>	<p>Evidence of seeking emergency medical assistance for a person who reasonably appears to be experiencing an overdose may be considered by a court or jury as a mitigating factor in the</p>

LAW	IMMUNITY FROM OTHER LAWS	MITIGATING FACTOR
	<p>a violation of: (1) purchasing, consuming, or possessing wine or other alcoholic liquor by someone under age twenty-one; (2) purchasing wine or other alcoholic liquors from a licensee through misrepresentation of age, presenting or offering any written evidence of age which is false, fraudulent or not actually one's own, or illegally attempting to purchase wine or other alcoholic liquors; (3) purchasing, consuming or possessing alcoholic liquor by someone under age twenty-one as prohibited; (4) purchasing liquor from a retail licensee through misrepresentation of age, presenting or offering any written evidence of age which is false, fraudulent or not actually one's own or illegally attempting to purchase liquor from a retail licensee; (5) ordering, paying for, sharing the cost of, purchasing, consuming, or possessing non-intoxicating beer, wine, or alcoholic liquor by someone under age twenty-one; (6) purchasing non-intoxicating beer, wine, or alcoholic liquors from a licensee through misrepresentation of age, presenting or offering any written evidence of age which is false, fraudulent, or not actually one's own or illegally attempting to purchase non-intoxicating beer, wine, or alcoholic liquors from a licensee; (7) purchasing, consuming, or possessing non-intoxicating beer by someone under age twenty-</p>	<p>sentencing phase of a criminal proceeding in a prosecution for which immunity is not granted provided that the criminal proceeding was instituted based on conduct or evidence obtained as the result of the defendant seeking emergency medical assistance.</p>

LAW**IMMUNITY FROM OTHER LAWS****MITIGATING FACTOR**

		<p>one; (8) purchasing non-intoxicating beer through misrepresentation of age, presenting or offering any written evidence of age which is false, fraudulent or not actually one's own or illegally attempting to purchase non-intoxicating beer; (9) knowingly or intentionally possessing a controlled substance or imitation controlled substance without a prescription; or (10) appearing in a public place in an intoxicated condition; drinking alcoholic liquor in a public place; drinking alcoholic liquor in a motor vehicle on a highway, street, alley or in a public garage; or tendering a drink of alcoholic liquor to another person in a public place.</p> <p>Immunity from criminal liability does not apply to: (1) selling or serving wine or other alcoholic liquor by someone under age twenty-one; (2) selling or serving alcoholic liquor by someone under age twenty-one; or (3) selling or serving non-intoxicating beer by someone under age twenty-one.</p> <p>A person is only eligible for immunity if he or she: (1) remains with the person who reasonably appears to be in need of emergency medical assistance due to an overdose until such assistance is provided; (2) identifies himself or herself, if requested by emergency medical assistance</p>	
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		<p>personnel or law-enforcement officers; and (3) cooperates with, and provides 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> <p>A person who seeks assistance is immune from any sanction for a violation of a condition of pretrial release, probation, furlough, or parole.</p> <p>Any limited immunity provided does not preclude claims asserted in a civil action.</p> <p>Immunity from criminal liability extends to the person for whom emergency medical assistance was sought if, subsequent to receiving emergency medical assistance, the person participates in, complies with and completes a substance abuse treatment or recovery program approved by the court. Alternatively, 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.</p>	
WI	Wisc. Stat. Ann. § 895.48 § 961.443	A person who, in good faith, renders emergency care at the scene of any emergency or accident is immune from civil liability for his or her acts or omissions in rendering such care.	

LAW	IMMUNITY FROM OTHER LAWS	MITIGATING FACTOR
		<p>Additionally, a person who: brings another person to an emergency room, hospital, fire station, or other health care facility because the other person is suffering from an overdose of any controlled substance or controlled substance analog; summons a law enforcement officer, ambulance, EMT, or other health care provider, to assist another person who is suffering from an overdose of any controlled substance or controlled substance analog; or dials 911 in order to obtain assistance for another person who is suffering from an overdose of any controlled substance or controlled substance analog, is immune from prosecution for the possession of drug paraphernalia and for the possession of a controlled substance or a controlled substance analog.</p>

¹ A person who, in good faith, gratuitously renders emergency care at the scene of the emergency is generally immune from civil liability for any personal injury that results.

² A court may lessen or suspend a sentence when the defendant was convicted of a crime relating to a controlled substance and the person's arrest or prosecution was facilitated in part because he or she alone, or with others, requested emergency medical assistance for someone who reasonably appeared to be in need of medical assistance due to the use of alcohol or a controlled substance.

³ A person who voluntarily renders first aid, emergency treatment or rescue assistance to another person who is in need of rescue assistance is immune from civil liability for such assistance.

⁴ A person who, in good faith, renders emergency care or assistance in an emergency is immune from civil liability in rendering the emergency care or assistance.

⁵ A person who gratuitously renders care in an emergency is immune from any civil damages as a result of any act or omission by such person in rendering the emergency care.

⁶ A person who, in good faith, renders or attempts to render emergency care “consisting of artificial respiration, restoration of breathing, or preventing or retarding the loss of blood, or aiding or restoring heart action or circulation of blood to the victim or victims of an accident or emergency” is immune from any civil damages or criminal liability.

⁷ A person who, in good faith, gratuitously renders emergency care in an emergency is immune from any civil damages for any personal injury as a result of rendering such care.

⁸ A person who, in good faith, renders emergency care and services is immune from any civil damages as a result of such acts of commission or omission.

⁹ A person who, in good faith, administers emergency care is immune from civil damages for an act performed during the emergency, unless the act is willfully or wantonly negligent.