

House Bill 965

By: Representatives Cooper of the 43<sup>rd</sup>, Oliver of the 82<sup>nd</sup>, Rutledge of the 109<sup>th</sup>, Watson of the 166<sup>th</sup>, Broadrick of the 4<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated,  
2 relating to general provisions relative to controlled substances, so as to provide immunities  
3 from certain arrests, charges, or prosecutions for persons seeking medical assistance for a  
4 drug overdose; to provide for a short title; to provide for legislative findings; to provide for  
5 the prescribing, dispensing, and administering of opioid antagonists; to provide for criteria;  
6 to provide for immunity; to amend Code Section 3-3-23 of the Official Code of Georgia  
7 Annotated, relating to furnishing to, purchase of, or possession by persons under 21 years of  
8 age of alcoholic beverages, use of false identification, proper identification, dispensing,  
9 serving, selling, or handling by persons under 21 years of age in the course of employment,  
10 and seller's actions upon receiving false identification, so as to provide immunities from  
11 certain arrests, charges, or prosecutions for persons seeking medical assistance for an alcohol  
12 related overdose; to provide for related matters; to provide an effective date; to provide for  
13 applicability; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 style="text-align:center">**SECTION 1.**

16 This Act shall be known and may be cited as the "Georgia 9-1-1 Medical Amnesty Law."

17 style="text-align:center">**SECTION 2.**

18 WHEREAS, according to the Atlanta Journal Constitution ("AJC"), more than 600,000  
19 Americans used heroin in 2012, which is nearly double the number from five years earlier  
20 according to health officials; and

21 WHEREAS, the AJC article states that "[t]he striking thing about heroin's most recent  
22 incarnation is that a drug that was once largely confined to major cities is spreading into  
23 suburban and rural towns across America, where it is used predominantly by young adults  
24 between the ages of 18 and 29"; and

25 WHEREAS, the Drug Enforcement Agency has noted that the "skyrocketing" increase in the  
26 availability of cheap heroin is a direct reaction by cartels to legislative efforts to regulate and  
27 restrict access to opiate prescription painkillers; and

28 WHEREAS, Stephen Cardiges of Lawrenceville died of an accidental heroin overdose; and

29 WHEREAS, Randall Brannen of McDonough died of an accidental overdose; and

30 WHEREAS, Stephen and Randall are a part of a growing trend of drug overdose victims in  
31 Georgia; and

32 WHEREAS, those who were with them did not call 9-1-1 to seek medical assistance, which  
33 could have saved their lives, because of a fear of prosecution for the possession and use of  
34 illegal drugs; and

35 WHEREAS, Overdose Reporting/Medical Amnesty legislation, or "9-1-1 Good Samaritan  
36 Laws," have been passed in 14 states, including Florida and North Carolina, and is under  
37 consideration in several more; and

38 WHEREAS, in North Carolina, it is believed that at least 20 lives have been saved since  
39 passage last year of similar legislation, and in Massachusetts it is believed that more than 120  
40 lives have been saved since passage of similar legislation in that state in 2012; and

41 WHEREAS, overdose deaths result from a variety of substances, including prescription  
42 painkillers, heroin, methamphetamine, designer drugs, and alcohol.

43 **SECTION 3.**

44 Article 1 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to  
45 general provisions relative to controlled substances, is amended by adding a new Code  
46 section to read as follows:

47 "16-13-5.

48 (a) As used in this Code section, the term:

49 (1) 'Drug overdose' means an acute condition, including, but not limited to, extreme  
50 physical illness, decreased level of consciousness, respiratory depression, coma, mania,  
51 or death, resulting from the consumption or use of a controlled substance or dangerous  
52 drug in violation of this chapter or that a layperson would reasonably believe to be

53 resulting from the consumption or use of a controlled substance or dangerous drug for  
54 which medical assistance is required.

55 (2) 'Drug violation' means:

56 (A) A violation of Code Section 16-13-30 for possession of a controlled substance if  
57 the aggregate weight, including any mixture, is less than four grams of a solid  
58 substance, less than one milliliter of liquid substance, or if the substance is placed onto  
59 a secondary medium with a combined weight of less than four grams;

60 (B) A violation of subsection (b) of Code Section 16-13-2 for possession of less than  
61 one ounce of marijuana; or

62 (C) A violation of Code Section 16-13-32.2, relating to possession and use of drug  
63 related objects.

64 (3) 'Medical assistance' means aid provided to a person experiencing or believed to be  
65 experiencing a drug overdose by a health care professional licensed, registered, or  
66 certified under the laws of this state who, acting within his or her lawful scope of  
67 practice, may provide diagnosis, treatment, or emergency services relative to such  
68 overdose.

69 (4) 'Seeks medical assistance' means accesses or assists in accessing the 9-1-1 system or  
70 otherwise contacts or assists in contacting law enforcement or a poison control center or  
71 provides care to a person experiencing or believed to be experiencing a drug overdose  
72 while awaiting the arrival of medical assistance to aid such person.

73 (b) Any person who in good faith seeks medical assistance for someone who is  
74 experiencing a drug overdose shall not be arrested, charged, or prosecuted for a drug  
75 violation if the evidence for the arrest, charge, or prosecution of such drug violation  
76 resulted from seeking such medical assistance. Any person who is experiencing a drug  
77 overdose and, in good faith, seeks medical assistance for himself or herself or is the subject  
78 of such a request shall not be arrested, charged, or prosecuted for a drug violation if the  
79 evidence for the arrest, charge, or prosecution of such drug violation resulted from seeking  
80 such medical assistance. Any such person shall also not be subject to, if related to the  
81 seeking of such medical assistance:

82 (1) Penalties for a violation of a permanent or temporary protective order or restraining  
83 order;

84 (2) Sanctions for a violation of a condition of pretrial release, condition of probation, or  
85 condition of parole based on a drug violation; or

86 (3) Forfeiture of property pursuant to Code Section 16-13-49 for a drug violation, except  
87 that prima-facie contraband shall be subject to forfeiture.

88 (c) Nothing in this Code section shall be construed to limit the admissibility of any  
89 evidence in connection with the investigation or prosecution of a crime with regard to a

90 defendant who does not qualify for the protections of subsection (b) of this Code section  
 91 or with regard to other crimes committed by a person who otherwise qualifies for  
 92 protection pursuant to subsection (b) of this Code section. Nothing in this Code section  
 93 shall be construed to limit any seizure of evidence or contraband otherwise permitted by  
 94 law. Nothing herein shall be construed to limit or abridge the authority of a law  
 95 enforcement officer to detain or take into custody a person in the course of an investigation  
 96 or to effectuate an arrest for any offense except as provided in subsection (b) of this Code  
 97 section."

98 **SECTION 4.**

99 Code Section 3-3-23 of the Official Code of Georgia Annotated, relating to furnishing to,  
 100 purchase of, or possession by persons under 21 years of age of alcoholic beverages, use of  
 101 false identification, proper identification, dispensing, serving, selling, or handling by persons  
 102 under 21 years of age in the course of employment, and seller's actions upon receiving false  
 103 identification, is amended by adding a new subsection to read as follows:

104 "(j)(1) As used in this subsection, the term:

105 (A) 'Alcohol related overdose' means an acute condition, including, but not limited to,  
 106 extreme physical illness, decreased level of consciousness, respiratory depression,  
 107 coma, mania, or death, resulting from the consumption or use of alcohol or that a  
 108 layperson would reasonably believe to be resulting from the consumption or use of  
 109 alcohol for which medical assistance is required.

110 (B) 'Medical assistance' means aid provided to a person believed to be experiencing an  
 111 alcohol related overdose by a health care professional licensed, registered, or certified  
 112 under the laws of this state who, acting within his or her lawful scope of practice, may  
 113 provide diagnosis, treatment, or emergency services relative to such overdose.

114 (C) 'Seeks medical assistance' means accesses or assists in accessing the 9-1-1 system  
 115 or otherwise contacts or assists in contacting law enforcement or a poison control center  
 116 or provides care to a person experiencing or believed to be experiencing an alcohol  
 117 related overdose while awaiting the arrival of medical assistance to aid such person.

118 (2) Any person who in good faith seeks medical assistance for someone who is  
 119 experiencing an alcohol related overdose shall not be arrested, charged, or prosecuted for  
 120 a violation of this Code section if the evidence for the arrest, charge, or prosecution of  
 121 such violation resulted from seeking such medical assistance. Any person who is  
 122 experiencing an alcohol related overdose and, in good faith, seeks medical assistance for  
 123 himself or herself or is the subject of such a request shall not be arrested, charged, or  
 124 prosecuted for a violation of this Code section if the evidence for the arrest, charge, or

125 prosecution of such violation resulted from seeking such medical assistance. Any such  
126 person shall also not be subject to:  
127 (A) Penalties for a violation of a permanent or temporary protective order or  
128 restraining order; or  
129 (B) Sanctions for a violation of a condition of pretrial release, condition of probation,  
130 or condition of parole based on a violation of this Code section.  
131 (3) Nothing in this subsection shall be construed to limit the admissibility of any  
132 evidence in connection with the investigation or prosecution of a crime with regard to a  
133 defendant who does not qualify for the protections of paragraph (2) of this subsection or  
134 with regard to other crimes committed by a person who otherwise qualifies for protection  
135 pursuant to paragraph (2) of this subsection. Nothing in this subsection shall be  
136 construed to limit any seizure of evidence or contraband otherwise permitted by law.  
137 Nothing herein shall be construed to limit or abridge the authority of a law enforcement  
138 officer to detain or take into custody a person in the course of an investigation or to  
139 effectuate an arrest for any offense except as provided in paragraph (2) of this  
140 subsection."

141 **SECTION 5.**

142 This Act shall become effective on July 1, 2014, and shall apply to all acts committed on or  
143 after such date.

144 **SECTION 6.**

145 All laws and parts of laws in conflict with this Act are repealed.