

House Bill 965 (COMMITTEE SUBSTITUTE) (AM)

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 related matters; to provide an effective date; to provide for applicability; to repeal conflicting  
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

10 **SECTION 2.**

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

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

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

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

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

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

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

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

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

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

36 **SECTION 3.**

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

40 "16-13-5.

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

42 (1) 'Drug overdose' means an acute condition, including, but not limited to, extreme  
43 physical illness, decreased level of consciousness, respiratory depression, coma, mania,  
44 or death, resulting from the consumption or use of a controlled substance or dangerous  
45 drug by the distressed individual in violation of this chapter or that a reasonable person  
46 would believe to be resulting from the consumption or use of a controlled substance or  
47 dangerous drug by the distressed individual.

48 (2) 'Drug violation' means:

49 (A) A violation of subsection (a) of Code Section 16-13-30 for possession of a  
50 controlled substance if the aggregate weight, including any mixture, is less than four  
51 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;

(B) A violation of paragraph (1) of subsection (j) of Code Section 16-13-30 for possession of less than one ounce of marijuana; or

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

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

(4) 'Seeks medical assistance' means accesses or assists in accessing the 9-1-1 system or otherwise contacts or assists in contacting law enforcement or a poison control center and provides care to a person experiencing or believed to be experiencing a drug overdose.

(b) Any person who in good faith seeks medical assistance for a person in need of medical assistance, while awaiting the arrival of medical assistance to aid such person, shall not be arrested, charged, or prosecuted for a drug violation if the evidence for the arrest, charge, or prosecution of such drug violation resulted solely from seeking such medical assistance. Any 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 shall not be arrested, charged, or prosecuted for a drug violation if the evidence for the arrest, charge, or prosecution of such drug violation resulted solely from seeking such medical assistance. Any such person shall also not be subject to, if related to the seeking of such medical assistance:

(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.

(c) Nothing in this Code section shall be construed to limit the 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 of subsection (b) of this Code section or with regard to other crimes committed by a person who otherwise qualifies for protection pursuant to subsection (b) of this Code section. Nothing in this Code section shall be construed to limit any seizure of evidence or contraband otherwise permitted by law. Nothing in this Code section shall be construed to limit or abridge the authority of a law enforcement officer to detain or take into custody a person in the course of an

88 investigation or to effectuate an arrest for any offense except as provided in subsection (b)  
89 of this Code section."

90 **SECTION 4.**

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

93 **SECTION 5.**

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