

ADOPTED

Senator Cowser of the 46th offered the following amendment:

1 *Amend the Senate Health and Human Services Committee substitute to HB 965 (LC 37*
 2 *1763S) by inserting after "antagonists;" on line 11 the following:*

3 to amend Code Section 3-3-23 of the Official Code of Georgia Annotated, relating to
 4 furnishing to, purchase of, or possession by persons under 21 years of age of alcoholic
 5 beverages, use of false identification, proper identification, dispensing, serving, selling, or
 6 handling by persons under 21 years of age in the course of employment, and seller's actions
 7 upon receiving false identification, so as to provide immunities from certain arrests, charges,
 8 or prosecutions for persons seeking medical assistance for an alcohol related overdose;

9 *By inserting between lines 251 and 252 the following:*

10 **PART IIA**

11 **SECTION 2A-1.**

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

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

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

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

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

31 (2) Any person who in good faith seeks medical assistance for someone who is
32 experiencing an alcohol related overdose shall not be arrested, charged, or prosecuted for
33 a violation of paragraphs (2) through (5) of subsection (a) of this Code section if the
34 evidence for the arrest, charge, or prosecution of such violation resulted from seeking
35 such medical assistance. Any person who is experiencing an alcohol related overdose
36 and, in good faith, seeks medical assistance for himself or herself or is the subject of such
37 a request shall not be arrested, charged, or prosecuted for a violation of paragraphs (2)
38 through (5) of subsection (a) of this Code section if the evidence for the arrest, charge,
39 or prosecution of such violation resulted from seeking such medical assistance. Any such
40 person shall also not be subject to:

41 (A) Penalties for a violation of a permanent or temporary protective order or
42 restraining order; or

43 (B) Sanctions for a violation of a condition of pretrial release, condition of probation,
44 or condition of parole based on a violation of paragraphs (2) through (5) of subsection
45 (a) of this Code section.

46 (3) Nothing in this subsection shall be construed to limit the admissibility of any
47 evidence in connection with the investigation or prosecution of a crime with regard to a
48 defendant who does not qualify for the protections of paragraph (2) of this subsection or
49 with regard to other crimes committed by a person who otherwise qualifies for protection
50 pursuant to paragraph (2) of this subsection. Nothing in this subsection shall be
51 construed to limit any seizure of evidence or contraband otherwise permitted by law.
52 Nothing herein shall be construed to limit or abridge the authority of a law enforcement
53 officer to detain or take into custody a person in the course of an investigation or to
54 effectuate an arrest for any offense except as provided in paragraph (2) of this
55 subsection."