

House Bill 965 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Cooper of the 43rd, Oliver of the 82nd, Rutledge of the 109th, Watson of the 166th, Broadrick of the 4th, 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

52 substance is placed onto a secondary medium with a combined weight of less than four
53 grams;

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

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

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

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

66 (b) Any person who in good faith seeks medical assistance for a person in need of medical
67 assistance, while awaiting the arrival of medical assistance to aid such person, shall not be
68 arrested, charged, or prosecuted for a drug violation if the evidence for the arrest, charge,
69 or prosecution of such drug violation resulted solely from seeking such medical assistance.
70 Any person who is experiencing a drug overdose and, in good faith, seeks medical
71 assistance for himself or herself or is the subject of such a request shall not be arrested,
72 charged, or prosecuted for a drug violation if the evidence for the arrest, charge, or
73 prosecution of such drug violation resulted solely from seeking such medical assistance.
74 Any such person shall also not be subject to, if related to the seeking of such medical
75 assistance:

76 (1) Penalties for a violation of a permanent or temporary protective order or restraining
77 order; or

78 (2) Sanctions for a violation of a condition of pretrial release, condition of probation, or
79 condition of parole based on a drug violation.

80 (c) Nothing in this Code section shall be construed to limit the admissibility of any
81 evidence in connection with the investigation or prosecution of a crime with regard to a
82 defendant who does not qualify for the protections of subsection (b) of this Code section
83 or with regard to other crimes committed by a person who otherwise qualifies for
84 protection pursuant to subsection (b) of this Code section. Nothing in this Code section
85 shall be construed to limit any seizure of evidence or contraband otherwise permitted by
86 law. Nothing in this Code section shall be construed to limit or abridge the authority of a
87 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.