

HB 1159 – AS INTRODUCED

2014 SESSION

14-2495
10/04

HOUSE BILL **1159**

AN ACT providing immunity from criminal prosecution for seeking medical assistance with an emergency drug or alcohol overdose event.

SPONSORS: Rep. J. Sweeney, Rock 8

COMMITTEE: Judiciary

ANALYSIS

This bill provides immunity from criminal prosecution for any person who in good faith seeks medical assistance with, or experiences, an emergency drug or alcohol overdose event.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT providing immunity from criminal prosecution for seeking medical assistance with an emergency drug or alcohol overdose event.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Criminal Code; General Principles. Amend RSA 626 by inserting after section 8
2 the following new section:

3 626:9 Immunity for Persons who Suffer or Report an Emergency Drug or Alcohol Overdose
4 Event.

5 I. A person who reports an emergency drug or alcohol overdose event shall be immune from
6 criminal prosecution for an offense described in this section if:

7 (a) The person reports in good faith an emergency drug or alcohol overdose event to a
8 law enforcement officer, the 911 system, or a medical provider;

9 (b) The person remains at the scene of the event until a law enforcement officer or an
10 emergency medical responder arrives or the person remains at the facilities of the medical provider
11 until a law enforcement officer arrives;

12 (c) The person identifies himself or herself to, and cooperates with, the law enforcement
13 officer, emergency medical responder, or medical provider; and

14 (d) The chargeable offense arises from the same course of events from which the
15 emergency drug or alcohol overdose event arose.

16 II. The immunity described in paragraph I shall also extend to the person who suffered the
17 emergency drug or alcohol overdose event if the chargeable offense arose from the same course of
18 events from which the emergency drug or alcohol overdose event arose.

19 III. The immunity described in paragraph I shall apply to the following criminal offenses:

20 (a) Possession, control, or transportation of a controlled drug, controlled drug analog, or
21 any preparation containing a controlled drug, or possession, control, or transportation of any drug
22 paraphernalia under RSA 318-B:2.

23 (b) Unlawful possession and intoxication under RSA 179:10.

24 (c) Prohibited sales of alcohol under RSA 179:5.

25 IV. Nothing in this section shall prohibit the prosecution of any person for an offense other
26 than an offense listed in paragraph III or to limit the ability of a prosecutor or a law enforcement
27 officer to obtain or use evidence obtained from a report, recording, or any other statement provided
28 pursuant to paragraph I to investigate and prosecute an offense other than an offense listed in
29 paragraph III.

30 V. In this section, “emergency drug or alcohol overdose event” means an acute condition

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1 including, but not limited to, physical illness, coma, mania, hysteria, or death resulting from the
2 consumption or use of a controlled substance, or of alcohol, or another substance with which a
3 controlled substance or alcohol was combined, and that a layperson would reasonably believe to be a
4 drug or alcohol overdose that requires medical assistance.

5 2 Effective Date. This act shall take effect 60 days after its passage.