

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 576

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO UNIFORM CONTROLLED SUBSTANCES; AMENDING CHAPTER 27, TITLE 37,
2 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-2739C, IDAHO CODE, TO
3 PROVIDE LIMITED USE IMMUNITY TO CERTAIN PERSONS WHO ACT IN GOOD FAITH
4 AND FOR A MEDICAL EMERGENCY, TO PROVIDE REQUIREMENTS AND TO ALLOW PROSE-
5 CUTION FOR CERTAIN OTHER CHARGES.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Chapter 27, Title 37, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 37-2739C, Idaho Code, and to read as follows:

11 37-2739C. LIMITED USE IMMUNITY. (1) Any person who, acting in good
12 faith and for a medical emergency:

13 (a) Is a person seeking or needing emergency medical assistance for
14 himself or others due to the illegal use of a controlled substance;

15 (b) Remains on the scene until emergency medical assistance or law en-
16 forcement officers arrive; and

17 (c) Cooperates with emergency medical assistance and law enforcement
18 personnel at the scene

19 shall have limited use immunity such that evidence obtained solely as a
20 result of the person having sought, received or rendered emergency medical
21 services as set forth in this section may not be used against the person for a
22 violation of this chapter relating to the illegal use, possession or being
23 under the influence of a controlled substance.

24 (2) The provisions of this section shall have no applicability to the
25 prosecution of any criminal charges other than the illegal use, possession
26 or being under the influence of a controlled substance and shall not prevent
27 a prosecution based on evidence not obtained as described in subsection (1)
28 of this section.