

SECOND REGULAR SESSION

# HOUSE BILL NO. 1944

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SPENCER.

5293H.011

D. ADAM CRUMBLISS, Chief Clerk

## AN ACT

To amend chapter 195, RSMo, by adding thereto one new section relating to the Missouri Good Samaritan Law.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 195, RSMo, is amended by adding thereto one new section, to be known as section 195.205, to read as follows:

**195.205. 1. This section shall be known and may be cited as the "Missouri Good Samaritan Law."**

**2. As used in this section "overdose" means a controlled substance-induced physiological event or an imitation controlled substance-induced physiological event that results in a life-threatening emergency to the individual who ingested, inhaled, injected, or otherwise bodily absorbed a controlled substance or an imitation controlled substance.**

**3. A person who, in good faith, seeks or obtains emergency medical assistance for someone experiencing an overdose shall not be charged or prosecuted for possession of a controlled substance under section 195.202 or for possession of an imitation controlled substance under section 195.241 if evidence of the possession of a controlled substance charge or the possession of an imitation controlled substance charge was acquired as a result of the person seeking or obtaining emergency medical assistance and providing the amount of substance recovered is within the amount identified in subsection 5 of this section.**

**4. A person who is experiencing an overdose shall not be charged or prosecuted for possession of a controlled substance under section 195.202 or for possession of an imitation controlled substance under section 195.241 if evidence of the possession of a controlled**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 substance charge or the possession of an imitation controlled substance charge was  
19 acquired as a result of the person seeking or obtaining emergency medical assistance and  
20 providing the amount of substance recovered is within the amount identified in subsection  
21 5 of this section.

22 5. For the purposes of subsections 3 and 4 of this section, the limited immunity shall  
23 apply only to a person possessing the following amount:

24 (1) Less than three grams of a substance containing heroin;

25 (2) Less than three grams of a substance containing cocaine;

26 (3) Less than three grams of a substance containing morphine;

27 (4) Less than forty grams of a substance containing peyote;

28 (5) Less than forty grams of a substance containing a derivative of barbituric acid  
29 or any of the salts of a derivative of barbituric acid;

30 (6) Less than forty grams of a substance containing amphetamine or any salt of an  
31 optical isomer of amphetamine;

32 (7) Less than three grams of a substance containing lysergic acid diethylamide  
33 (LSD), or an analog thereof;

34 (8) Less than six grams of a substance containing pentazocine or any of the salts,  
35 isomers and salts of isomers of pentazocine, or an analog thereof;

36 (9) Less than six grams of a substance containing methaqualone or any of the salts,  
37 isomers and salts of isomers of methaqualone;

38 (10) Less than six grams of a substance containing phencyclidine (PCP) or any of  
39 the salts, isomers and salts of isomers of phencyclidine (PCP);

40 (11) Less than six grams of a substance containing ketamine or any of the salts,  
41 isomers and salts of isomers of ketamine;

42 (12) Less than forty grams of a substance containing a substance classified as a  
43 narcotic drug in Schedule I or II, or an analog thereof, which is not otherwise included in  
44 this subsection; or

45 (13) Less than forty grams of an imitation controlled substance.

46 6. The limited immunity described in subsections 3 and 4 of this section shall not  
47 be extended if law enforcement has reasonable suspicion or probable cause to detain,  
48 arrest, or search the person described in subsection 3 or 4 of this section for criminal  
49 activity and the reasonable suspicion or probable cause is based on information obtained  
50 prior to or independent of the individual described in subsection 3 or 4 of this section  
51 taking action to seek or obtain emergency medical assistance and not obtained as a direct  
52 result of the action of seeking or obtaining emergency medical assistance. Nothing in this  
53 section is intended to interfere with or prevent the investigation, arrest, or prosecution of

54 any person for the delivery or distribution of cannabis, methamphetamine or other  
55 controlled substances, drug-induced murder, or any other crime.

56 7. The fact that a defendant sought or obtained emergency medical assistance for  
57 an overdose for such defendant or another shall be accorded weight in favor of withholding  
58 or minimizing a sentence of imprisonment for violating the provisions of section 195.202,  
59 195.211, 195.222, or 195.241. If the court, having due regard for the character of the  
60 offender, the nature and circumstances of the offense, and the public interest finds that a  
61 sentence of imprisonment is the most appropriate disposition of the offender, or if other  
62 provisions of the law mandate the imprisonment of the offender, this fact shall be  
63 considered in mitigation of the length of the term imposed.

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