

2010 -- S 2423

LC00816

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO FOOD AND DRUGS -- GOOD SAMARITAN OVERDOSE PREVENTION
ACT

Introduced By: Senators C Levesque, and Perry

Date Introduced: February 11, 2010

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 21 of the General Laws entitled "FOOD AND DRUGS" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 28.8

4 THE GOOD SAMARITAN OVERDOSE PREVENTION ACT

5 **21-28.8-1. Short title.** – This chapter shall be known and may be cited as "The Good
6 Samaritan Overdose Prevention Act".

7 **21-28.8-2. Definition.** – "Opioid antagonist" is a drug which is a competitive antagonist
8 that binds to the opioid receptors with higher affinity than agonists but do not activate the
9 receptors, effectively blocking the receptor, preventing the human body from making use of
10 opiates and endorphins.

11 **21-28.8-3. Authority to administer opioid antagonists – Release from liability.** – (a)
12 A person may administer an opioid antagonist to another person if:

13 (1) He or she, in good faith, believes the other person is experiencing a drug overdose;
14 and

15 (2) He or she acts with reasonable care in administering the drug to the other person.

16 (b) A person who administers an opioid antagonist to another person pursuant to this
17 section shall not be subject to civil liability or criminal prosecution as a result of the
18 administration of the drug.

1 **21-28.8-4. Healthcare professionals – Release from liability.** – Any licensed healthcare
2 professional who is permitted by law to prescribe an opioid antagonist, if acting with reasonable
3 care, may prescribe, dispense, distribute or administer an opioid antagonist to any person without
4 being subject to civil liability or criminal prosecution.

5 **21-28.8-5. Emergency overdose care – Immunity from legal repercussions.** – (a) Any
6 person who, in good faith, seeks medical assistance for someone experiencing a drug or alcohol
7 related medical emergency shall not be charged or prosecuted for any crime related to the
8 possession or delivery of a controlled substance or drug paraphernalia, or the operation of a drug-
9 involved premises if the evidence for the charge was gained as a result of the seeking of medical
10 assistance.

11 (b) Any person who experiences a drug or alcohol related medical emergency and is in
12 need of medical assistance shall not be charged or prosecuted for any crime related to the
13 possession or delivery of a controlled substance or drug paraphernalia or the operating of a drug-
14 involved premises if the evidence for the charge was gained as a result of the overdose and the
15 need for medical assistance.

16 (c) The act of providing first aid or other medical assistance to someone who is
17 experiencing a drug or alcohol related medical emergency may be used as a mitigating factor in a
18 criminal prosecution pursuant to the controlled substances act.

19 SECTION 2. This act shall take effect upon passage.

=====
LC00816
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO FOOD AND DRUGS -- GOOD SAMARITAN OVERDOSE PREVENTION
ACT

- 1 This act would create "The Good Samaritan Overdose Prevention Act" which would
- 2 exempt from liability any person who administers an opioid antagonist to another person to
- 3 prevent a drug overdose.
- 4 This act would take effect upon passage.

=====
LC00816
=====