

HOUSE BILL NO. HB0062

Immunity for drug overdose reporting.

Sponsored by: Representative(s) Pelkey, Blake, Lindholm,
Schwartz and Zwonitzer and Senator(s) Case

A BILL

for

1 AN ACT relating to controlled substances; providing
2 immunity from prosecution of specified offenses under the
3 Wyoming Controlled Substance Act of 1971 to persons who
4 report or experience an emergency drug overdose event as
5 specified; providing applicability; and providing for an
6 effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 35-7-1064 is created to read:

11

12 **35-7-1064. Drug overdose; limited immunity from**
13 **prosecution.**

14

1 (a) Notwithstanding any other provision of law, a
2 person who, in good faith, seeks medical assistance for
3 himself or another person is immune from criminal
4 prosecution for an offense listed in subsection (c) of this
5 section if:

6

7 (i) The person reasonably believes he or another
8 person is experiencing a drug overdose event;

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10 (ii) The person provides a functional
11 description of the actual location of the drug overdose
12 event;

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14 (iii) The person remains at the scene of the
15 drug overdose event until a responding law enforcement
16 officer or emergency medical service provider arrives, or
17 the person remains at the medical care facility where the
18 person experiencing the drug overdose event is located
19 until a responding law enforcement officer arrives;

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21 (iv) The person cooperates with a responding law
22 enforcement officer, emergency medical service provider or
23 medical care provider, including by providing information

1 about the person experiencing the drug overdose event and
2 the type of substance that may have caused the drug
3 overdose event; and

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5 (v) The offense listed in subsection (c) of this
6 section arises from the same course of events as the drug
7 overdose event.

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9 (b) The immunity from prosecution under subsection
10 (a) of this section shall extend to the person experiencing
11 the drug overdose event if all the conditions specified in
12 subsection (a) of this section are satisfied.

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14 (c) The immunity from prosecution under subsection
15 (a) of this section shall apply to the following offenses:

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17 (i) Possession of a controlled substance under
18 W.S. 35-7-1031(c);

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20 (ii) Use of a controlled substance under W.S.
21 35-7-1039.

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23 (d) As used in this section:

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2 (i) "Drug overdose event" means a condition,
3 including extreme physical illness, a decreased level of
4 consciousness or respiratory depression resulting from the
5 consumption or use of a controlled substance or another
6 substance with which a controlled substance was combined
7 that a reasonable person would believe to require medical
8 assistance;

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10 (ii) "Good faith" does not include seeking
11 medical assistance or immunity under this section as a
12 result of using a controlled substance during the course of
13 a law enforcement agency's execution of a search warrant,
14 arrest warrant or other lawful search or arrest.

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16 (e) Nothing in this section shall be interpreted to:

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18 (i) Prohibit the criminal prosecution of a
19 person for an offense other than an offense specified in
20 subsection (c) of this section;

21

22 (ii) Limit the authority of a law enforcement
23 officer to obtain or use evidence obtained from a report,

1 recording or other statement provided by a person seeking
2 medical assistance for himself or another person under this
3 section to investigate and prosecute an offense other than
4 an offense listed in subsection (c) of this section.

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6 **Section 2.** W.S. 35-7-1002(a)(xxviii) is amended to
7 read:

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9 **35-7-1002. Definitions.**

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11 (a) As used in this act:

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13 (xxviii) "This act" means W.S. 35-7-1001 through
14 ~~35-7-1063~~ 35-7-1064.

15

16 **Section 3.** This act is effective July 1, 2017.

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18

(END)