

128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1079

H.P. 757

House of Representatives, March 21, 2017

An Act To Exempt from Criminal Liability Persons Reporting a Drug-related Medical Emergency

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative CARDONE of Bangor. Cosponsored by Senator KEIM of Oxford and Representatives: AUSTIN of Skowhegan, LUCHINI of Ellsworth, McCREIGHT of Harpswell, MOONEN of Portland, Senator: CARPENTER of Aroostook.

1 Be it enacted by the People of the State of Maine as follows:

2 Sec. 1. 17-A MRSA §1111-B is enacted to read:

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3 §1111-B. Exemption from criminal liability for reporting a drug-related medical 4 emergency

5 <u>A person who in good faith seeks medical assistance for another person experiencing</u> 6 <u>a drug-related overdose or who is experiencing a drug-related overdose and is in need of</u> 7 <u>medical assistance may not be arrested or prosecuted for a violation of section 1107-A,</u> 8 <u>1108, 1111 or 1111-A or a violation of probation as authorized by chapter 49 if the</u> 9 <u>grounds for arrest or prosecution are obtained as a result of the person's seeking medical</u> 10 assistance or experiencing a drug-related overdose.

SUMMARY

12 This bill exempts from arrest or prosecution a person who in good faith seeks medical assistance for another person experiencing a drug-related overdose or who is 13 14 experiencing a drug-related overdose and is in need of medical assistance. The person may not be arrested or prosecuted for a violation of laws prohibiting the possession of 15 16 scheduled drugs, acquiring drugs by deception, the possession of hypodermic apparatuses and the use of drug paraphernalia or a violation of probation if the grounds for arrest or 17 prosecution are obtained as a result of the person's seeking medical assistance or 18 19 experiencing a drug-related overdose.