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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 181, L.D. 263, Bill, “An Act To Provide a Minor with a Defense to Prosecution in a Situation That Involves Risk of Alcohol Overdose”

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 28-A MRSA §2051, sub-§6 is enacted to read:

6. Defense. It is a defense to prosecution under subsection 1 if in a situation that involved risk to the minor or to another person of overdose from the consumption of alcohol, including but not limited to extreme physical illness, decreased level of consciousness, respiratory depression, coma, mania or death from the consumption of alcohol:

A. The minor in good faith sought medical or emergency treatment or assistance for the minor or the other person; or

B. The minor was the person for whom medical or emergency treatment or assistance was sought and the evidence of the violation of this section is obtained as a result of a person contacting emergency medical services or law enforcement.

This subsection does not provide a defense to a charge of operating a motor vehicle while under the influence of alcohol.

Sec. 2. 28-A MRSA §2087, sub-§3 is enacted to read:

3. Defense. It is a defense to prosecution under subsection 1 if in a situation that involved risk to the minor or to another person of overdose from the consumption of alcohol, including but not limited to extreme physical illness, decreased level of consciousness, respiratory depression, coma, mania or death from the consumption of alcohol:

A. The minor in good faith sought medical or emergency treatment or assistance for the minor or the other person; or

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1 B. The minor was the person for whom medical or emergency treatment or
2 assistance was sought and the evidence of the violation of this section is obtained as a
3 result of a person contacting emergency medical services or law enforcement.

4 This subsection does not provide a defense to a charge of operating a motor vehicle while
5 under the influence of alcohol.'

6 **SUMMARY**

7 This amendment is the majority report of the committee and replaces the bill. The
8 amendment provides a minor with a defense to prosecution under the alcoholic beverages
9 laws applicable to minors when there is a risk of alcohol overdose.