

Date: (Filing No. H-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

Reproduced and distributed under the direction of the Clerk of the House.

**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 the title and substituting the following:

'An Act To Provide a Minor with Immunity 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. Immunity. A minor is immune from 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. Immunity. A minor is immune from 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

COMMITTEE AMENDMENT

1 level of consciousness, respiratory depression, coma, mania or death from the
2 consumption of alcohol:

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

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

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

10 **SUMMARY**

11 This amendment is the minority report of the committee and replaces the bill. The
12 amendment provides a new title for the bill. The amendment provides immunity to a
13 minor from prosecution under the alcoholic beverages laws applicable to minors when
14 there is a risk of alcohol overdose. The bill proposes to provide a defense to prosecution
15 for a minor when there is a risk of alcohol overdose.