

13-3423. Medical assistance requests; prohibited prosecution of Good Samaritans; mitigating factor; definitions

(Rpld. 7/1/28)

A. A person who, in good faith, seeks medical assistance for someone experiencing a drug-related overdose may not be charged or prosecuted for the possession or use of a controlled substance or drug paraphernalia or a preparatory offense if the evidence for the violation was gained as a result of the person's seeking medical assistance.

B. A person who experiences a drug-related overdose, who is in need of medical assistance and for whom medical assistance is sought pursuant to subsection A of this section may not be charged or prosecuted for the possession or use of a controlled substance or drug paraphernalia if the evidence for the violation was gained as a result of the person's overdose and need for medical assistance.

C. The act of seeking medical assistance for someone who is experiencing a drug-related overdose may be used as a mitigating factor in a criminal prosecution for a violation of this chapter.

D. This section does not limit either:

1. The admissibility of any evidence in connection with the investigation or prosecution of a crime with regard to a defendant who does not qualify under subsection A or B of this section or with regard to any other crime.

2. The ability to seize contraband or make an arrest for any other offense.

E. This section does not prohibit a person specified in subsection A or B of this section from being offered a diversion program for an offense other than the possession or use of a controlled substance or drug paraphernalia or a preparatory offense.

F. For the purposes of this section:

1. "Medical assistance" means aid provided by a health care professional who is licensed, registered or certified in this state, who is acting within the health care professional's scope of practice and who provides a diagnosis, treatment or other medical service.

2. "Seeks medical assistance" means to call 911 or otherwise contact law enforcement, poison control or a hospital emergency department.