

Mississippi Code Title 41. Public Health § 41-29-149.1

Current as of January 01, 2023 | Updated by [FindLaw Staff](#)

- (1) This section shall be known as the “Mississippi Medical Emergency Good Samaritan Act.”
- (2) As used in this section, the following words shall have the meanings ascribed:
  - (a) “Drug overdose” means an acute condition, including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, mania, or death, resulting from the consumption or use of a controlled substance or dangerous drug in violation of this chapter or that a layperson would reasonably believe to be resulting from the consumption or use of a controlled substance or dangerous drug for which medical assistance is required.
  - (b) “Drug violation” means:
    - (i) A violation of [Section 41-29-139](#) for possession of a controlled substance if the aggregate weight, including any mixture, is less than four (4) grams of a solid substance, less than twenty (20) dosage units, less than one (1) milliliter of liquid substance, or, if the substance is placed onto a secondary medium, has a combined weight of less than four (4) grams;
    - (ii) A violation of [Section 41-29-139](#) for possession of thirty (30) grams or less of marijuana or ten (10) grams or less of synthetic cannabinoids; or
    - (iii) A violation of [Section 41-29-139\(d\)\(2\)](#) relating to possession and use of paraphernalia.
  - (c) “Medical assistance” means aid provided to a person experiencing or believed to be experiencing a drug overdose by a health care professional who is licensed, registered, or certified under the laws of this state and who, acting within the lawful scope of practice, may provide diagnosis, treatment, or emergency services relative to the overdose.
  - (d) “Seeks medical assistance” means accesses or assists in accessing the E-911 system or otherwise contacts or assists in contacting law enforcement or a poison control center or provides care to a person experiencing or believed to be experiencing a drug overdose while awaiting the arrival of medical assistance to aid the person.
- (3)(a) Any person who in good faith seeks medical assistance for someone who is experiencing a drug overdose shall not be arrested, charged, or prosecuted for a drug

violation if there is evidence that the person is under the influence of a controlled substance or in possession of a controlled substance as referenced in subsection (2)(b) of this section.

(b) Any person who is experiencing a drug overdose and, in good faith, seeks medical assistance or is the subject of a request for medical assistance shall not be arrested, charged, or prosecuted for a drug violation if there is evidence that the person is under the influence of a controlled substance or in possession of a controlled substance as referenced in subsection (2)(b) of this section.

(c) A person shall also not be subject to, if related to the seeking of medical assistance:

(i) Penalties for a violation of a permanent or temporary protective order or restraining order;

(ii) Sanctions for a violation of a condition of pretrial release, condition of probation, or condition of parole based on a drug violation; or

(iii) Forfeiture of property pursuant to [Section 41-29-153](#) or [41-29-176](#) for a drug violation, except that prima facie contraband shall be subject to forfeiture.

(4) Nothing in this section shall be construed:

(a) To limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regard to a defendant who does not qualify for the protections of subsection (3) of this section or with regard to other crimes committed by a person who otherwise qualifies for protection pursuant to subsection (3) of this section;

(b) To limit any seizure of evidence or contraband otherwise permitted by law; and

(c) To limit or abridge the authority of a law enforcement officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in subsection (3) of this section.