



## **Good Samaritan Overdose Prevention Statutes**

### **Research current through June 30, 2015**

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**This table is a compilation of state Good Samaritan laws that specifically address assisting another person during an opioid-related overdose. The state laws listed in the endnotes denote the jurisdictions’ general “Good Samaritan” statutes that encourage a person to assist another person during any emergency and in a voluntary capacity but do not specifically mention an overdose.**

The following are definitions for the headings used in this document:

Immunity from Other Laws: A person who experiences an overdose, or seeks or provides assistance for another person who experiences an overdose, will not be held liable for civil damages, criminal prosecution, probation and parole violations, or the like.

Mitigating Factor: In any criminal prosecution or sentencing for a drug or alcohol-related offense for which a person has not been found to be immune, a court may take into consideration the fact the defendant made an effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose.

	<b>LAW</b>	<b>IMMUNITY FROM OTHER LAWS</b>	<b>MITIGATING FACTOR</b>
AL	Ala. Code § 28-1-5.1	A person is immune from prosecution for a misdemeanor controlled substance offense if law enforcement became aware of the offense solely because the individual was seeking medical assistance for another individual and the person (1) acted in good faith, upon a reasonable belief that he or she was the first to call for assistance; (2) used his or her own name when contacting authorities; and (3) remained with the person needing medical assistance until help arrived.	
AK	Alaska Stat. Ann. § 11.71.311 § 12.55.155(d)(19)	A person is immune from prosecution for a violation of misconduct involving a controlled substance in the third, fourth or fifth degrees if he or she, in in good faith, sought medical or law enforcement assistance for another person who he or she reasonably believed was experiencing a drug overdose and: (1) the evidence supporting the prosecution for an offense was obtained or discovered as a result of the person seeking medical or law enforcement assistance; (2) he or she remained at the scene with the other person until medical or law enforcement assistance arrived; and (3) he or she cooperated with medical or law enforcement personnel. The person also is immune if he or she was experiencing a drug overdose and sought medical assistance and the evidence supporting a prosecution for an offense was obtained as a result of the overdose and the need for medical assistance.	When sentencing a defendant for a controlled substance violation, a court may take into account that that “the defendant sought medical assistance for another person who was experiencing a drug overdose contemporaneously with the commission of the offense.”
AR	Ark. Code Ann. § 20-13-1604	A person is immune from arrest, charge, or prosecution for possession of a controlled	

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		<p>substance if the evidence resulted solely from seeking medical assistance if: (1) the person, in good faith, seeks medical assistance for someone who is experiencing a drug overdose; or (2) the person who is experiencing a drug overdose and in good faith seeks medical assistance for him or herself.</p> <p>Additionally, a person is immune to penalties for a violation of a permanent or temporary protective or restraining order or sanctions for a violation of a condition of pretrial release, condition of probation, or condition of parole based on the possession of a controlled substance if the penalties or sanctions related to the seeking of medical assistance.</p>	
CA	Cal. Health & Safety Code § 11376.5	<p>A person who is under the influence of, or possesses for personal use, a controlled substance, controlled substance analog, or drug paraphernalia, is immune from being charged for such use or possession if that person, in good faith, seeks medical assistance for another person experiencing a drug-related overdose.</p> <p>A person who experiences a drug-related overdose and who is in need of medical assistance is immune from being charged with possession of a controlled substance (for personal use), controlled substance analog, or drug paraphernalia, if that person or one or more other persons at the scene of the overdose, in good faith, seek medical</p>	

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CO	<p>Colo. Rev. Stat. § 18-1-711</p>	<p>assistance for the person experiencing the overdose.</p> <p>A person who, in good faith, reports an emergency drug or alcohol overdose to a law enforcement officer; the 911 system; or a medical provider is immune from criminal prosecution for possession or use of a controlled substance, possession or use of a synthetic cannabinoid, possession of drug paraphernalia, or possession or consumption of marijuana or ethyl alcohol by an underage person, as long as: the person remains at the scene of the event until a law enforcement officer or an EMT arrives or the person remains at the facilities of the medical provider until a law enforcement officer arrives; the person identifies himself or herself to, and cooperates with, the law enforcement officer, EMT, or medical provider; and the offense arises from the same course of events from which the emergency drug or alcohol overdose event arose. This immunity also extends to the person who suffered the emergency drug or alcohol overdose.</p>	
CT	<p>Conn. Gen Stat. § 21a-267 § 21a-279</p>	<p>A person who, in good faith, seeks medical assistance for: another person who he or she reasonably believes is experiencing an overdose from the ingestion, inhalation, or injection of intoxicating liquor or any drug or substance; or his or her own overdose from the ingestion, inhalation, or injection of intoxicating liquor or any drug or substance, is immune from prosecution for possession with intent to use drug paraphernalia or possession with intent to deliver</p>	

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DE	Del. Code Ann. tit. 16, § 4769	<p>or manufacture with intent to deliver drug paraphernalia.</p> <p>A person who, in good faith, seeks medical assistance for: another person who he or she reasonably believes is experiencing an overdose from the ingestion, inhalation, or injection of intoxicating liquor or any drug or substance; or his or her own overdose from the ingestion, inhalation, or injection of intoxicating liquor or any drug or substance, is immune from prosecution for possession or use of any quantity of any narcotic or hallucinogenic substance.</p>	
DC	D.C. Code Ann. § 7-403	<p>Anyone who, in good faith, seeks medical attention for himself or herself, or for another person who is experiencing an overdose or other life-threatening medical emergency, is immune from being arrested, charged, or prosecuted for: miscellaneous drug crimes; possession and delivery of non-controlled prescription drugs; possession of controlled substances or counterfeit controlled substances; possession of drug paraphernalia; possession of marijuana; or underage drinking.</p> <p>A person who, in good faith, reasonably believes that he or she is experiencing a drug or alcohol-related overdose and seeks healthcare for himself or herself, or reasonably believes that another person is experiencing a drug or alcohol-related overdose and seeks healthcare for that person, is</p>	<p>Seeking emergency health care may be considered by the court as a mitigating factor in any criminal prosecution or sentencing for a drug or alcohol-related offense for which the person is not immune.</p>

**LAW****IMMUNITY FROM OTHER LAWS****MITIGATING FACTOR**

		<p>immune from: prosecution for use or possession of a controlled substance; use or possession with intent to use drug paraphernalia; possession of drug paraphernalia with the intent to use it for the administration of a controlled substance; possession of alcohol by persons under 21 years of age; and, provided that the minor is at least 16 years of age and the provider is 25 years of age or younger, purchasing an alcoholic beverage for the purpose of delivering it to a person under 21 years of age, contributing to the delinquency of a minor with regard to possessing or consuming alcohol or, without a prescription, a controlled substance, and the sale or delivery of an alcoholic beverage to a person under 21 years of age.</p> <p>Moreover, the above-listed offenses must not serve as the sole basis for revoking or modifying a person's supervision status.</p>	
FL	<p>Fla. Stat. Ann. § 893.21 § 921.0026(2)(n)</p>	<p>A person acting in good faith who seeks medical assistance for another person experiencing a drug-related overdose, or a person who experiences a drug-related overdose and is in need of medical assistance, is immune from being charged, prosecuted, or penalized for possession of a controlled substance.</p>	<p>A court may depart from the lowest permissible sentence when “the defendant was making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose.”</p>
GA	<p>Ga. Code Ann. § 16-13-5(b)</p>	<p>A person who, in good faith, seeks medical assistance for another person experiencing or believed to be experiencing a drug overdose or who is experiencing a drug overdose and, in good</p>	

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IL	720 Ill. Comp. Stat. § 570/414 § 646/115 730 Ill. Comp. Stat. § 5/5-5-3.1(a)(14)	<p>faith, seeks medical assistance for himself or herself is immune from being arrested, charged, or prosecuted for a drug violation.</p> <p>In such an instance, the person also shall not be subject to penalties for a violation of a permanent or temporary protective order or restraining order; or sanctions for a violation of a condition of pretrial release, condition of probation, or condition of parole based on a drug violation.</p> <p>A person who, in good faith, seeks or obtains emergency medical assistance for someone experiencing an overdose or who is experiencing an overdose, is immune from being charged or prosecuted for “Class 4 felony possession of a controlled, counterfeit, or look-alike substance or a controlled substance analog,” provided that the amount of substance recovered is within the amounts listed in the statute.</p> <p>A person who, in good faith, seeks emergency medical assistance for someone experiencing an overdose or who is experiencing an overdose, is immune from being charged or prosecuted for “Class 3 felony possession of methamphetamine” provided that the amount of substance recovered is less than one gram of methamphetamine or a substance containing methamphetamine.</p>	The court may withhold or minimize a sentence of imprisonment if “the defendant sought or obtained emergency medical assistance for an overdose and was convicted of a Class 3 felony or higher possession, manufacture, or delivery of a controlled, counterfeit, or look-alike substance or a controlled substance analog” or a Class 2 felony or higher for the possession, manufacture or delivery of methamphetamine.
IN	Indiana Code § 34-30-12-1 <sup>1</sup>		



	<b>LAW</b>	<b>IMMUNITY FROM OTHER LAWS</b>	<b>MITIGATING FACTOR</b>
	§ 35-38-1-7.1(b)(12) <sup>2</sup>		
LA	La. Rev. Stat. Ann. § 14:403.10	<p>A person who, in good faith, seeks medical assistance for another individual who is experiencing a drug-related overdose is immune from being charged, prosecuted, or penalized for possession of a controlled dangerous substance if the evidence for possession of the controlled substance was obtained as a result of the person's seeking medical assistance, unless the person illegally provided or administered a controlled substance to the individual.</p> <p>A person who experiences a drug-related overdose and is in need of medical assistance is immune from being charged, prosecuted, or penalized for possession of a controlled substance if the evidence for possession of the controlled substance was obtained as a result of the overdose and the need for medical assistance.</p>	
ME	14 Me Rev. Stat. Ann. § 164 <sup>3</sup>		
MD	Md. Crim. Proc. Code Ann. § 1-201	A person who, in good faith, seeks, provides, or assists with the provision of medical assistance for another person who is experiencing a medical emergency, after ingesting or using alcohol or drugs or a person who experiences a medical emergency after ingesting or using alcohol or drugs, is immune from criminal prosecution if the evidence was obtained solely as a result of the person's assistance with medical aid.	The act of seeking, providing, or assisting with the provision of medical assistance for another person who is experiencing a medical emergency after ingesting or using alcohol or drugs may be used as a mitigating factor in a criminal prosecution.

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MA	Mass. Gen. Laws Ann., ch 94C, § 34A	<p>A person who, in good faith, seeks medical assistance for someone experiencing a drug-related overdose or who experiences a drug-related overdose and is in need of medical assistance and, in good faith, seeks such medical assistance, or is the subject of such a good faith request for medical assistance, is immune from being charged or prosecuted for possession of a controlled substance.</p>	<p>“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.”</p>
MN	Minn. Stat. Ann. § 604A.04 § 604A.05	<p>A person who acts in good faith in administering an opiate antagonist to another person whom the person believes, in good faith, to be suffering a drug overdose is immune from civil liability and criminal prosecution.</p> <p>A person who acts in good faith and who seeks medical assistance for another person who is experiencing a drug-related overdose or a person who experiences a drug-related overdose and is in need of medical assistance is immune from being charged or prosecuted for possession, sharing, or use of a controlled substance or possession of drug paraphernalia.</p> <p>Moreover, a person's pretrial release, probation, furlough, supervised release, or parole must not be revoked based on an incident for which the person would be immune from prosecution, as listed above.</p>	<p>“The act of providing first aid or other medical assistance to someone who is experiencing a drug-related overdose may be used as a mitigating factor in a criminal prosecution for which immunity is not provided.”</p>

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MS	Miss. Code Ann. § 41-29-149.1	<p>Any person who, in good faith, seeks medical assistance for someone who is experiencing a drug overdose, or 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, is immune from arrest, charge, or prosecution 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.</p> <p>That person also is immune from arrest, charge, or prosecution for: (1) penalties for a violation of a permanent or temporary protective order or restraining order; (2) sanctions for a violation of a condition of pretrial release, condition of probation, or condition of parole based on a drug violation; or (3) forfeiture of property for a drug violation, except that prima facie contraband shall be subject to forfeiture.</p>	
MT	Mont. Code Ann. § 27-1-714 <sup>4</sup>		
NV	<p><i>Code section not yet available</i></p> <p><i>Assigned Act in Title 40, Chapter 26</i></p>	<p>A person who, in good faith, seeks medical assistance for someone who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for him or herself, or who is the subject of a good faith request for such assistance, is immune from arrest, charge, prosecution, or conviction or from having his or her property subjected to forfeiture or otherwise be penalized for possessing drugs (unless it if for the</p>	<p>A court, before sentencing a person for a violation for which immunity is not provided must consider in mitigation any evidence or information that the defendant, in good faith, sought medical assistance for a person who was experiencing a drug or alcohol overdose or other life-threatening emergency in connection with the events that constituted the violation.</p>

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		purpose of selling) or paraphernalia or for the use of a controlled substance. That person also is immune from arrest, charge, prosecution, or conviction for violating: (1) a restraining order; or (2) parole or probation as long as the evidence to support the arrest, charge, prosecution, or conviction, seizure, or penalty was obtained as a result of the person seeking medical assistance.	
NE	Neb. Rev. Stat. § 25-21,186 <sup>5</sup>		
NH	N.H. Rev. Stat. Ann. § 508:12 <sup>6</sup>		
NJ	N.J. Stat. Ann. § 2C:35-30 § 2C:35-31	A person who, in good faith, seeks medical assistance for him or herself or someone else experiencing a drug overdose is immune from being: arrested, charged, prosecuted, or convicted for obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of, a controlled dangerous substance or controlled substance analog; arrested, charged, prosecuted, or convicted for inhaling the fumes of or possessing any toxic chemical; arrested, charged, prosecuted, or convicted for using, obtaining, attempting to obtain, or possessing any prescription legend drug or stramonium preparation; arrested, charged, prosecuted, or convicted for acquiring or obtaining possession of a controlled dangerous substance or controlled substance analog; arrested, charged, prosecuted, or convicted for unlawfully possessing a controlled dangerous substance that was lawfully prescribed or dispensed; arrested, charged,	

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NM	<p>N.M. Stat. Ann. § 30-31-27.1</p> <p>A person who, in good faith, seeks medical assistance for someone experiencing a drug-related overdose, or who experiences a drug-related overdose and is in need of medical assistance, is immune from being charged or prosecuted for possession of a controlled substance.</p>	<p>“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.”</p>
NY	<p>N.Y. Penal Law § 220.03 § 220.78</p> <p>A person who, in good faith, seeks healthcare for someone who is experiencing a drug or alcohol overdose or other life threatening medical emergency or who is experiencing a drug or alcohol overdose or other life threatening medical emergency and, in good faith, seeks health care for himself or herself or is the subject of such a good faith request for health care, is immune from being charged or prosecuted for a controlled substance offense or a marihuana offense, other than an offense involving sale for consideration or other benefit or gain, or charged or prosecuted for possession of alcohol by a person under age twenty-one years, or for possession of drug paraphernalia.</p>	<p>It is an affirmative defense to a criminal sale of a controlled substance offense or a criminal sale of marihuana offense with respect to any controlled substance or marihuana which was obtained as a result of a person seeking or receiving of health care, as long as the defendant, in good faith, seeks health care for someone or for him or herself who is experiencing a drug or alcohol overdose or other life threatening medical emergency; and the defendant has no prior conviction for the commission or attempted commission of a class A-I, A-II or B felony.</p>
NC	<p>N.C. Gen. Stat. § 18B-302.2</p> <p>A person is immune from prosecution for any misdemeanor violation of possession of a</p>	

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	§ 90-96.2	<p>controlled substance, a felony violation for possession of less than one gram of cocaine, a felony violation for possession of less than one gram of heroin, or possession of drug paraphernalia if: (1) the person sought medical assistance for an individual experiencing a drug-related overdose by contacting the 911 system, a law enforcement officer, or emergency medical services personnel, (2) the person acted in good faith when seeking medical assistance, upon a reasonable belief that he or she was the first to call for assistance, (3) the person provided his or her own name to the 911 system or to a law enforcement officer upon arrival, (4) the person did not seek the medical assistance during the course of the execution of an arrest warrant, search warrant, or other lawful search, or (5) the evidence for prosecution of the offenses listed above was obtained as a result of the person seeking medical assistance for the drug-related overdose.</p> <p>A person shall not be subject to arrest or revocation of pretrial release, probation, parole, or post-release if the arrest or revocation is based on an offense for which the person is immune from prosecution. The arrest of a person for such an offense provides the person with immunity and will not itself be deemed to be a commission of a new criminal offense in violation of a condition of</p>	

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ND	<p><i>Code section not yet available</i></p> <p><i>Assigned Act in Code Section 23-01</i></p>	<p>the person's pretrial release, condition of probation, or condition of parole or post-release.</p> <p>A person under the age of 21 shall not be prosecuted for the possession or consumption of alcoholic beverages if: (1) the person sought medical assistance for an individual experiencing an alcohol-related overdose by contacting the 911 system, a law enforcement officer, or emergency medical services personnel, (2) the person acted in good faith when seeking medical assistance, upon a reasonable belief that he or she was the first to call for assistance, (3) the person provided his or her own name to the 911 system or to a law enforcement officer upon arrival, (4) the person did not seek medical assistance during the course of the execution of an arrest warrant, search warrant, or other lawful search, and (5) the evidence for prosecution for the possession or consumption of alcoholic beverages was obtained as a result of the person seeking medical assistance for the alcohol-related overdose.</p> <p>A person is immune from criminal prosecution if he or she contacted law enforcement or EMS and reported that he or she, or another person, was in need of emergency medical assistance due to a drug overdose. The person is immune only if: (1) he or she remained on the scene until assistance arrived; (2) cooperated with EMS and law enforcement personnel in the medical treatment of the reported drug overdosed person; and (3) the</p>

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		overdosed person must have been in need of emergency medical assistance. The maximum number of individuals that may claim immunity for any one incident is three.	
OK	Okla. Stat. Ann. tit. 76, § 5 <sup>7</sup>		
PA	42 Pa. Cons. Stat. Ann. § 8332 <sup>8</sup>		
RI	R.I. Gen. Laws §§ 21-28.8-1 to 21-28.8-5	Any person who, in good faith, without malice, and in the absence of evidence of an intent to defraud, seeks medical assistance for someone experiencing a drug overdose or other drug-related medical emergency, or who experiences a drug overdose or other drug-related medical emergency and is in need of medical assistance, is immune from being charged or prosecuted for any crime under the controlled substances act, including the possession or use of drug paraphernalia, except for a crime involving the manufacture or possession with the intent to manufacture a controlled substance or possession with intent to deliver a controlled substance.	“The act of providing first aid or other medical assistance to someone who is experiencing a drug overdose or other drug-related medical emergency may be used as a mitigating factor in a criminal prosecution.”
SC	S.C. Code Ann. § 15-1-310 <sup>9</sup>		
SD	S.D. Codified Laws Ann. § 20-9-4.1 <sup>10</sup>		
TN	Tenn. Code Ann. § 63-6-218 <sup>11</sup>		
TX	Tex. Civ. Prac. and Remedies Code		



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UT	§§ 74.151 and 74.152 <sup>12</sup> Utah Code Ann. § 58-37-8(15) § 76-3-203.11	A person who: reasonably believes that he or she, or another person, is experiencing an overdose event due to the ingestion, injection, inhalation, or other introduction into the human body of a controlled substance or other substance; reports, in good faith, the overdose to a medical provider, an EMS provider, a law enforcement officer, a 911 emergency call system, or an emergency dispatch system; provides a description of the location of the actual overdose; remains at the location of the person experiencing the overdose until a law enforcement officer or EMS provider arrives, or remains at the medical care facility where the person experiencing the overdose is located until a responding law enforcement officer arrives; cooperates with the responding medical provider, EMS provider, and law enforcement officer, including providing information regarding the person experiencing the overdose event and any substances the person may have injected, inhaled, or otherwise introduced into the person's body; and committed the offense in the same course of events from which the reported overdose arose is immune from being charged or prosecuted for: possession or use of less than 16 ounces of marijuana; possession or use of a scheduled controlled substance other than marijuana; or any violation of the state's Drug Paraphernalia Act or Imitation Controlled Substances Act.	A court may consider as a mitigating factor that a person: reasonably believes that he or she, or another person, is experiencing an overdose event due to the ingestion, injection, inhalation, or other introduction into the human body of a controlled substance or other substance; reports, in good faith, the overdose to a medical provider, an EMS provider, a law enforcement officer, a 911 emergency call system, or an emergency dispatch system; provides a description of the location of the actual overdose; remains at the location of the person experiencing the overdose until a law enforcement officer or EMS provider arrives, or remains at the medical care facility where the person experiencing the overdose is located until a responding law enforcement officer arrives; cooperates with the responding medical provider, EMS provider, and law enforcement officer, including providing information regarding the person experiencing the overdose event and any substances the person may have injected, inhaled, or otherwise introduced into the person's body; and committed the offense in the same course of events from which the reported overdose arose.

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VT	Vt. Stat. Ann., tit. 18, § 4254	<p>A person who seeks medical assistance for a drug overdose, or is the subject of a good faith request for medical assistance, is immune from any penalties with respect to a violation of a protection order, being at the scene of the drug overdose, or for being within close proximity to any person at the scene of the drug overdose.</p> <p>Moreover, such a person is immune from any sanctions for a violation of a condition of pretrial release, probation, furlough, or parole for being at the scene of the drug overdose, or for being within close proximity to any person at the scene of the drug overdose.</p>	“The act of seeking medical assistance for or by someone who is experiencing a drug overdose shall be considered a mitigating circumstance at sentencing for a violation of any other offense.”
VA	VA Code Ann. § 8.01-225 A. (1) <sup>13</sup>		
WA	Wash. Rev. Code Ann. § 9.94A.535(1)(i) § 69.50.315	A person acting in good faith and who seeks medical assistance for someone experiencing a drug-related overdose is immune from being charged or prosecuted for possession of a controlled substance if the evidence for the charge of possession of a controlled substance was obtained as a result of the person seeking medical assistance.	The court may impose a sentence below the standard range if it finds that the defendant was making a good faith effort to obtain or provide medical assistance for someone who was experiencing a drug-related overdose.
WV	W. Va. Code §§ 16-47-4 and 16-47-5	A person who, in good faith and in a timely manner, seeks emergency medical assistance for a person who reasonably appears to be experiencing an overdose is immune from criminal liability for a violation of: (1) purchasing, consuming, or possessing wine or other alcoholic liquor by	Evidence of seeking emergency medical assistance for a person who reasonably appears to be experiencing an overdose may be considered by a court or jury as a mitigating factor in the sentencing phase of a criminal proceeding in a prosecution for which immunity is not granted

LAW	IMMUNITY FROM OTHER LAWS	MITIGATING FACTOR	
		<p>someone under age twenty-one; (2) purchasing wine or other alcoholic liquors from a licensee through misrepresentation of age, presenting or offering any written evidence of age which is false, fraudulent or not actually one's own, or illegally attempting to purchase wine or other alcoholic liquors; (3) purchasing, consuming or possessing alcoholic liquor by someone under age twenty-one as prohibited; (4) purchasing liquor from a retail licensee through misrepresentation of age, presenting or offering any written evidence of age which is false, fraudulent or not actually one's own or illegally attempting to purchase liquor from a retail licensee; (5) ordering, paying for, sharing the cost of, purchasing, consuming, or possessing non-intoxicating beer, wine, or alcoholic liquor by someone under age twenty-one; (6) purchasing non-intoxicating beer, wine, or alcoholic liquors from a licensee through misrepresentation of age, presenting or offering any written evidence of age which is false, fraudulent, or not actually one's own or illegally attempting to purchase non-intoxicating beer, wine, or alcoholic liquors from a licensee; (7) purchasing, consuming, or possessing non-intoxicating beer by someone under age twenty-one; (8) purchasing non-intoxicating beer through misrepresentation of age, presenting or offering</p>	<p>provided that the criminal proceeding was instituted based on conduct or evidence obtained as the result of the defendant seeking emergency medical assistance.</p>

**LAW****IMMUNITY FROM OTHER LAWS****MITIGATING FACTOR**

		<p>any written evidence of age which is false, fraudulent or not actually one's own or illegally attempting to purchase non-intoxicating beer; (9) knowingly or intentionally possessing a controlled substance or imitation controlled substance without a prescription; or (10) appearing in a public place in an intoxicated condition; drinking alcoholic liquor in a public place; drinking alcoholic liquor in a motor vehicle on a highway, street, alley or in a public garage; or tendering a drink of alcoholic liquor to another person in a public place.</p> <p>Immunity from criminal liability does not apply to: (1) selling or serving wine or other alcoholic liquor by someone under age twenty-one; (2) selling or serving alcoholic liquor by someone under age twenty-one; or (3) selling or serving non-intoxicating beer by someone under age twenty-one.</p> <p>A person is only eligible for immunity if he or she: (1) remains with the person who reasonably appears to be in need of emergency medical assistance due to an overdose until such assistance is provided; (2) identifies himself or herself, if requested by emergency medical assistance personnel or law-enforcement officers; and (3) cooperates with, and provides any relevant</p>	
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LAW	IMMUNITY FROM OTHER LAWS	MITIGATING FACTOR
WI	Wisc. Stat. Ann. § 895.48 § 961.443	<p>information requested by, emergency medical assistance personnel or law-enforcement officers needed to treat the person reasonably believed to be experiencing an overdose.</p> <p>A person who seeks assistance is immune from any sanction for a violation of a condition of pretrial release, probation, furlough, or parole.</p> <p>Any limited immunity provided does not preclude claims asserted in a civil action.</p> <p>Immunity from criminal liability extends to the person for whom emergency medical assistance was sought if, subsequent to receiving emergency medical assistance, the person participates in, complies with and completes a substance abuse treatment or recovery program approved by the court. Alternatively, a court may consider the following alternative sentencing and clemency options: (1) deferred prosecution; (2) pretrial diversion; (3) adjudication in drug court; or (4) any other appropriate form of alternative sentencing or rehabilitation.</p> <p>A person who, in good faith, renders emergency care at the scene of any emergency or accident is immune from civil liability for his or her acts or omissions in rendering such care.</p>

LAW	IMMUNITY FROM OTHER LAWS	MITIGATING FACTOR
		<p>Additionally, a person who: brings another person to an emergency room, hospital, fire station, or other health care facility because the other person is suffering from an overdose of any controlled substance or controlled substance analog; summons a law enforcement officer, ambulance, EMT, or other health care provider, to assist another person who is suffering from an overdose of any controlled substance or controlled substance analog; or dials 911 in order to obtain assistance for another person who is suffering from an overdose of any controlled substance or controlled substance analog, is immune from prosecution for the possession of drug paraphernalia and for the possession of a controlled substance or a controlled substance analog.</p>

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<sup>1</sup> A person who, in good faith, gratuitously renders emergency care at the scene of the emergency is generally immune from civil liability for any personal injury that results.

<sup>2</sup> A court may lessen or suspend a sentence when the defendant was convicted of a crime relating to a controlled substance and the person's arrest or prosecution was facilitated in part because he or she alone, or with others, requested emergency medical assistance for someone who reasonably appeared to be in need of medical assistance due to the use of alcohol or a controlled substance.

<sup>3</sup> A person who voluntarily renders first aid, emergency treatment or rescue assistance to another person who is in need of rescue assistance is immune from civil liability for such assistance.

<sup>4</sup> A person who, in good faith, renders emergency care or assistance in an emergency is immune from civil liability in rendering the emergency care or assistance.

<sup>5</sup> A person who gratuitously renders emergency care in an emergency is immune from any civil damages as a result of any act or omission by such person in rendering the emergency care.

<sup>6</sup> A person who, in good faith, renders emergency care to someone is immune from civil liability for his acts or omissions in rendering the care.

<sup>7</sup> A person who, in good faith, renders or attempts to render emergency care “consisting of artificial respiration, restoration of breathing, or preventing or retarding the loss of blood, or aiding or restoring heart action or circulation of blood to the victim or victims of an accident or emergency” is immune from any civil damages or criminal liability.

<sup>8</sup> A person who, in good faith, renders emergency care, treatment, first aid or rescue at the scene of an emergency event is immune from civil liability as a result of rendering such care.

<sup>9</sup> A person who, in good faith, gratuitously renders emergency care in an emergency is immune from any civil damages for any personal injury as a result of rendering such care.

<sup>10</sup> A person who, in good faith, renders emergency care and services is immune from any civil damages as a result of such acts of commission or omission.

<sup>11</sup> Any person that provides emergency first aid and rescue is immune from any civil damages as a result of any act or omission by such person in rendering the emergency care or as a result of any act or failure to act to provide or arrange for further medical treatment or care for the injured person.

<sup>12</sup> A person who, in good faith, administers emergency care is immune from civil damages for an act performed during the emergency, unless the act is willfully or wantonly negligent.

<sup>13</sup> Any person who, in good faith, renders emergency care or assistance to any ill or injured person at the scene of an accident, fire, or any life-threatening emergency shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance.