



Good Samaritan Overdose Prevention Statutes

Research current through October 1, 2014

This project was supported by Grant No. G1399ONDCP03A awarded by the Office of National Drug Control Policy. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the Office of National Drug Control Policy or the United States Government.

© 2014 Research is current as of October 1, 2014. In order to ensure that the information contained herein is as current as possible, research is conducted using nationwide legal database software and individual state legislative websites. Please contact Susan P. Weinstein at (703) 836-6100, ext. 101 or sweinstein@namsdl.org with any additional updates or information that may be relevant to this document. This document is intended for informational purposes only and does not constitute legal advice or opinion. Headquarters Office: THE NATIONAL ALLIANCE FOR MODEL STATE DRUG LAWS, 420 Park Street, Charlottesville, VA 22901.

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.

	LAW	IMMUNITY FROM OTHER LAWS	MITIGATING FACTOR
AL	Ala. Code § 6-5-332 ¹		
AK	Alaska Stat. Ann. § 12.55.155(d)(19) ²		
AR	Ark. Code Ann. § 17-95-101 ³		
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 assistance for the person experiencing the overdose.</p>	
CO	Colo. Rev. Stat. § 18-1-711	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	

	LAW	IMMUNITY FROM OTHER LAWS	MITIGATING FACTOR
		<p>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.</p> <p>This immunity also extends to the person who suffered the emergency drug or alcohol overdose.</p>	
CT	Conn. Gen Stat. § 21a-267 § 21a-279	<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 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</p>	

LAW	IMMUNITY FROM OTHER LAWS	MITIGATING FACTOR
DE	<p>Del. Code Ann. tit. 16, § 4769</p> <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>	
DC	<p>D.C. Code Ann. § 7-403</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 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</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
FL	Fla. Stat. Ann. § 893.21 § 921.0026(2)(n)	<p>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> <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>	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.”
GA	Ga. Code Ann. § 16-13-5(b)	<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 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</p>	

	LAW	IMMUNITY FROM OTHER LAWS	MITIGATING FACTOR
IL	720 Ill. Comp. Stat. § 570/414 § 646/115 730 Ill. Comp. Stat. § 5/5-5-3.1(a)(14)	<p>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 ⁴ § 35-38-1-7.1(b)(12) ⁵		
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	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.

	LAW	IMMUNITY FROM OTHER LAWS	MITIGATING FACTOR
MA	Mass. Gen. Laws Ann., ch 94C, § 34A	<p>evidence was obtained solely as a result of the person's assistance with medical aid.</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 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>	“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.”
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</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.”

	LAW	IMMUNITY FROM OTHER LAWS	MITIGATING FACTOR
NE	Neb. Rev. Stat. § 25-21,186 ⁶	would be immune from prosecution, as listed above.	
NJ	N.J. Stat. Ann. § 2C:35-30	A person who, in good faith, seeks medical assistance for someone 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, prosecuted, or convicted for using or possessing with intent to use drug paraphernalia or for having under his control or possessing a hypodermic syringe, hypodermic needle, or any other instrument adapted for the use of a controlled dangerous substance or a controlled substance	

	LAW	IMMUNITY FROM OTHER LAWS	MITIGATING FACTOR
NM	N.M. Stat. Ann. § 30-31-27.1	analog; or subject to revocation of parole or probation. 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.	“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.”
NY	N.Y. Penal Law § 220.03 § 220.78	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.	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.
NC	N.C. Gen. Stat. § 18B-302.2 § 90-96.2	A person acting in good faith who seeks medical assistance for an individual experiencing a drug-related overdose or who experiences a drug-related overdose and is in need of medical assistance himself or herself is immune from prosecution for possession of a (certain type and amount of a) controlled substance or possession of drug paraphernalia.	

LAW	IMMUNITY FROM OTHER LAWS	IMMUNITY FROM OTHER LAWS	MITIGATING FACTOR
ND	N.D. Cent. Code § 32-03.1-02 ⁷ § 32-03.1-03	A person under the age of 21 is immune from being prosecuted for the possession or consumption of alcoholic beverages if law enforcement, including campus safety police, became aware of the possession or consumption of alcohol by the person solely because the person was seeking medical assistance for another individual, as long as the person: acted in good faith, upon a reasonable belief that he or she was the first to call for assistance; used his or her own name when contacting authorities; remained with the individual needing medical assistance until help arrived.	
OK	Okla. Stat. Ann. tit. 76, § 5 ⁸		
PA	42 Cons. Stat. Ann. § 8332 ⁹		
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	“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.”

	LAW	IMMUNITY FROM OTHER LAWS	MITIGATING FACTOR
SC	S.C. Code Ann. § 15-1-310 ¹⁰	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.	
SD	S.D. Codified Laws Ann. § 20-9-4.1 ¹¹		
TN	Tenn. Code Ann. § 63-6-218 ¹²		
TX	Tex. Civ. Prac. and Remedies Code §§ 74.151 and 74.152 ¹³		
UT	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;	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

LAW	IMMUNITY FROM OTHER LAWS	MITIGATING FACTOR	
VT	<p>Vt. Stat. Ann., tit. 18, § 4254</p>	<p>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.</p> <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>	<p>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.</p> <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.”</p>
WA	<p>Wash. Rev. Code Ann. § 9.94A.535(1)(i)</p>	<p>A person acting in good faith and who seeks medical assistance for someone experiencing a drug-related overdose is immune from being</p>	<p>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</p>

	LAW	IMMUNITY FROM OTHER LAWS	MITIGATING FACTOR
	§ 69.50.315	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.	medical assistance for someone who was experiencing a drug-related overdose.
WV	W. Va. Code § 55-7-15 ¹⁴		
WI	Wisc. Stat. Ann. § 895.48 § 961.443	<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> <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>	

¹ In most instances, a person who, gratuitously and in good faith, renders first aid in an emergency situation is immune from civil liability as a result of any act or omission by the person in rendering the emergency care.

² 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.”

³ Anyone who, in good faith, lends emergency assistance “to lessen or remove the immediate threat to the life, health, or safety of such a person, shall not be held liable in civil damages.”

⁴ 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.

⁵ 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.

⁶ 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.

⁷ A person who renders assistance to another person who is injured or ill as the result of an accident or illness is immune from a personal injury civil action or a criminal charge for having practiced medicine or nursing without a license.

⁸ 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.

⁹ 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.

¹⁰ 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.

¹¹ 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.

¹² 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.

¹³ 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.

¹⁴ A person who, in good faith, renders emergency care at the scene of an accident or to a victim at the scene of a crime, without remuneration, is immune from any civil damages as the result of any act or omission in rendering such emergency care.