
A BILL FOR AN ACT

RELATING TO MEDICAL AMNESTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Good Samaritan
2 policies, also known as medical amnesty, are life-saving
3 measures that are in the best interest of the public's health,
4 safety, and welfare. These policies enable people to make
5 responsible decisions by shielding them from punishment when
6 they seek medical attention during an emergency involving
7 controlled substances. The legislature finds that the threat of
8 criminal punishment may often cause people to hesitate from
9 taking necessary action in such emergency situations. Time
10 spent worrying about legal consequences delays the arrival of
11 critically needed medical assistance. Even a short delay can
12 mean the difference between life and death.

13 The legislature also finds that a study conducted at
14 Cornell University, and recently published in the International
15 Journal of Drug Policy, demonstrated that Good Samaritan
16 policies are effective in ensuring that people receive help
17 during alcohol-related emergencies. Such policies are already
18 in place at many colleges and universities across the United



1 States and have been enacted as state law in New Mexico and
2 Washington. Several other states are currently considering
3 similar legislation.

4 The legislature further finds that, if criminal punishment
5 is intended to deter drug abuse, it is clearly too late to deter
6 such abuse when a person is already suffering from an overdose.
7 Good Samaritan policies should not be perceived as a "get out of
8 jail free card" or a reward for illegal drug use. Rather, they
9 enable individuals to make potentially life-saving decisions
10 promptly and without hesitation.

11 The purpose of this Act is to provide limited immunity from
12 drug possession charges when a person calls for medical
13 assistance during a drug overdose emergency.

14 SECTION 2. Chapter 329, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:

17 "§329- Overdose prevention; limited immunity. (a) A
18 person shall not be charged, subject to civil forfeiture, or
19 otherwise prosecuted for possession of a controlled substance
20 under this chapter or part IV of chapter 712 if:

21 (1) The person was a witness to a drug overdose;



1 (2) The person reasonably believed that the drug overdose
2 would result in imminent threat to the health or life
3 of the drug overdose victim;

4 (3) The person summoned medical assistance at the time of
5 witnessing the event; and

6 (4) Evidence of the specific violation was gained as a
7 result of the person's seeking medical assistance.

8 (b) A person shall not be charged, subject to civil
9 forfeiture, or otherwise prosecuted for possession of a
10 controlled substance under this chapter or part IV of chapter
11 712 if:

12 (1) The person experiences a drug overdose and is in need
13 of medical assistance; and

14 (2) Evidence of the specific violation was gained as a
15 result of the person's drug overdose and the person's
16 need for medical assistance.

17 (c) This section shall not apply to a prosecution where
18 the person who sought the medical assistance sold the drugs to
19 the drug overdose victim."

20 SECTION 3. This Act does not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun before its effective date.



H.B. NO. 416

1 SECTION 4. New statutory material is underscored.

2 SECTION 5. This Act shall take effect on July 1, 2011.

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INTRODUCED BY:

Calvin K. Day

JAN 21 2011

REQUEST

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Report Title:

Good Samaritan Policies; Medical Amnesty; Controlled Substances

Description:

Establishes limited immunity for individuals who seek medical assistance for victims of drug overdoses.

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