

JAN 16 2014

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.

8 The legislature further finds that the threat of criminal
9 punishment may often cause people to hesitate from taking
10 necessary action in such emergency situations. Time spent
11 worrying about legal consequences delays the arrival of
12 critically needed medical assistance. Even a short delay can
13 mean the difference between life and death.

14 The legislature additionally finds that overdoses
15 nationwide more than doubled between 2000 and 2006. Nationally,
16 overdoses have become the leading cause of injury death,
17 surpassing motor vehicle accidents. Drug overdoses have
18 increased greatly in Hawaii, becoming a leading mechanism of



1 injury-related mortality over the 2007-2011 period, as described
2 by death certificates. Drug poisonings accounted for
3 approximately twenty per cent of all fatal injuries, surpassing
4 deaths from motor vehicle crashes (approximately thirteen per
5 cent), drownings (approximately eight per cent), and
6 suffocations (approximately seven per cent). The number of drug
7 poisonings in Hawaii has increased from eighty-three in 1999 to
8 one hundred eighty-seven in 2011, with an annual average of one
9 hundred sixty-three deaths over the 2007-2011 period.

10 The legislature also finds that a study conducted at
11 Cornell University, and recently published in the International
12 Journal of Drug Policy, demonstrated that good samaritan
13 policies are effective in ensuring that people receive help
14 during alcohol-related emergencies. Such policies are already
15 in place at many colleges and universities across the United
16 States and have been enacted as state law in seventeen states,
17 including California, Colorado, Florida, New York, and
18 Washington.

19 The legislature further finds that, if criminal punishment
20 is intended to deter drug abuse, it is clearly too late to deter
21 such abuse when a person is already suffering from an overdose.
22 Good samaritan policies should not be perceived as a "get out of



1 jail free card" or a reward for illegal drug use. Rather, they
2 enable individuals to make potentially life-saving decisions
3 promptly and without hesitation.

4 Accordingly, the purpose of this Act is to provide limited
5 immunity from liquor, controlled substance, and drug
6 paraphernalia possession charges when a person calls for medical
7 assistance during an alcohol or drug-related overdose emergency.

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

11 **"§329- Overdose emergencies; limited immunity. (a) A**
12 person shall not be arrested, charged, subject to civil
13 forfeiture, or prosecuted and the alcohol or drug-related
14 overdose shall not serve as the sole basis for revoking or
15 modifying a person's supervision status for possession of
16 liquor, a controlled substance, or drug paraphernalia under this
17 chapter, chapter 281, or part IV of chapter 712 if:

18 (1) The person was a witness to an alcohol or drug-related
19 overdose;

20 (2) The person reasonably believed that the alcohol or
21 drug-related overdose would result in imminent threat



1 to the health or life of the drug-related overdose
2 victim;

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

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

7 (b) A person shall not be arrested, charged, subject to
8 civil forfeiture, or prosecuted and the alcohol or drug-related
9 overdose shall not serve as the sole basis for revoking or
10 modifying a person's supervision status for possession of
11 liquor, a controlled substance, or drug paraphernalia under this
12 chapter, chapter 281, or part IV of chapter 712 if:

13 (1) The person experiences an alcohol or drug-related
14 overdose and is in need of medical assistance; and

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

18 (c) As used in this section, "alcohol or drug-related
19 overdose" means an acute medical condition that is the result of
20 the ingestion or use by an individual of alcohol, one or more
21 controlled substances, or one or more controlled substances in
22 combination with alcohol in quantities that are excessive for



1 that individual that may result in death, disability, or serious
 2 injury. An individual's condition shall be deemed to be an
 3 "alcohol or drug-related overdose" if a reasonable person would
 4 believe the condition to be an alcohol or drug-related overdose
 5 that may result in death, disability, or serious injury."

6 SECTION 3. This Act does not affect rights and duties that
 7 matured, penalties that were incurred, and proceedings that were
 8 begun before its effective date.

9 SECTION 4. New statutory material is underscored.

10 SECTION 5. This Act shall take effect upon its approval.

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S.B. NO. 2215

Report Title:

Good Samaritan Policies; Medical Amnesty; Controlled Substances

Description:

Establishes limited immunity for individuals who seek medical assistance for victims of alcohol or drug-related overdoses or themselves during an alcohol or drug-related overdose emergency.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

