
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 drug overdoses have
2 overtaken motor vehicle accidents in recent years as the leading
3 cause of fatal injuries in Hawaii.

4 From 2009 through 2013, seven hundred seventy-three deaths
5 from drug overdoses were recorded in Hawaii, including a record-
6 high one hundred eighty-three deaths in 2013, according to the
7 state Department of Health.

8 In the United States, drug overdoses have tripled since
9 1990 and are a major cause of preventable death. Often medical
10 assistance for a drug overdose is not sought by those in need or
11 their companions for fear of being arrested for use, possession
12 or other drug-related crimes.

13 States recently have enacted overdose immunity laws
14 intended to reduce the number of overdose-related deaths by
15 encouraging people to seek help. The legislature finds that as
16 of November 2014, twenty-three states have passed overdose
17 immunity laws, also known as Good Samaritan and medical amnesty



1 policies, to encourage people to call 911 when witnessing or
2 experiencing an alcohol or drug overdose by providing a limited
3 shield from charge and prosecution for possession of a
4 controlled substance, drug paraphernalia, and for minors,
5 alcohol.

6 The legislature finds that in Hawaii about seventy per cent
7 of persons who witness a drug overdose do not call 911 for fear
8 of arrest or prosecution, according to data reported by the
9 Community Health Outreach Work to Prevent HIV/AIDS program.

10 The purpose of this Act is to encourage a witness or a
11 victim of a drug or alcohol overdose to call 911 or seek other
12 emergency medical assistance in order to save the life of an
13 overdose victim by establishing a state law protecting the
14 witness or victim from charge, prosecution, and civil forfeiture
15 based on certain drug and alcohol related offenses. This Act is
16 not intended to protect individuals from charge or prosecution
17 for drug trafficking.

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



1 "§329- Overdose prevention; limited immunity. (a) A
2 person who, in good faith, seeks medical assistance for someone
3 who is experiencing a drug or alcohol overdose or other life
4 threatening medical emergency shall not be charged, subject to
5 civil forfeiture, or otherwise prosecuted for possession of a
6 controlled substance, intoxicating liquor, or drug paraphernalia
7 under this chapter, chapter 281, or part IV of chapter 712,
8 based on evidence that was obtained as a result of the person
9 seeking or receiving medical assistance.

10 (b) A person who is experiencing a drug or alcohol
11 overdose or other life threatening medical emergency and, in
12 good faith, seeks medical assistance for himself or herself or
13 is the subject of such a good faith request for medical
14 assistance, shall not be charged, subject to civil forfeiture,
15 or otherwise prosecuted for possession of a controlled
16 substance, intoxicating liquor, or drug paraphernalia under this
17 chapter, chapter 281, or part IV of chapter 712, based on
18 evidence that was obtained as a result of the person seeking or
19 receiving medical assistance.

20 (c) This section shall not apply to a prosecution where
21 the person who sought the medical assistance illegally sold any



1 drugs or alcohol at issue to the drug or alcohol overdose
2 victim.

3 (d) As used in this section:

4 "Drug or alcohol overdose" means an acute medical condition
5 that is the result of the ingestion or use by an individual of
6 alcohol, one or more controlled substances, or one or more
7 controlled substances in combination with alcohol in quantities
8 that are excessive for that individual that may result in death,
9 disability, or serious injury. An individual's condition shall
10 be deemed to be a "drug or alcohol overdose" if a reasonable
11 person would believe the condition to be a drug or alcohol
12 overdose that may result in death, disability, or serious
13 injury."

14 SECTION 3. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 4. New statutory material is underscored.



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1 SECTION 5. This Act shall take effect on July 1, 2015.

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H.B. NO. 569

Report Title:

Good Samaritan Policies; Medical Amnesty; Controlled Substances;
Intoxicating Liquor

Description:

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

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