

124.418 Persons seeking medical assistance for drug-related overdose.

1. As used in [this section](#), unless the context otherwise requires:

a. “*Drug-related overdose*” means a condition of a person for which each of the following is true:

(1) The person is in need of medical assistance.

(2) The person displays symptoms including but not limited to extreme physical illness, pinpoint pupils, decreased level of consciousness including coma, or respiratory depression.

(3) The person’s condition is the result of, or a prudent layperson would reasonably believe such condition to be the result of, the consumption or use of a controlled substance.

b. “*Overdose patient*” means a person who is, or would reasonably be perceived to be, suffering a drug-related overdose and who has not previously received immunity under [this section](#).

c. “*Overdose reporter*” means a person who seeks medical assistance for an overdose patient and who has not previously received immunity under [this section](#).

d. “*Protected information*” means information or evidence collected or derived as a result of any of the following:

(1) An overdose patient’s good-faith actions to seek medical assistance while experiencing a drug-related overdose.

(2) An overdose reporter’s good-faith actions to seek medical assistance for an overdose patient experiencing a drug-related overdose if all of the following are true:

(a) The overdose patient is in need of medical assistance for an immediate health or safety concern.

(b) The overdose reporter is the first person to seek medical assistance for the overdose patient.

(c) The overdose reporter provides the overdose reporter’s name and contact information to medical or law enforcement personnel.

(d) The overdose reporter remains on the scene until assistance arrives or is provided.

(e) The overdose reporter cooperates with medical and law enforcement personnel.

(f) Medical assistance was not sought during the execution of an arrest warrant, search warrant, or other lawful search.

2. Protected information shall not be considered to support probable cause and shall not be admissible as evidence against an overdose patient or overdose reporter for any of the following offenses:

a. Delivery of a controlled substance under [section 124.401, subsection 1](#), if such delivery involved the sharing of the controlled substance without profit.

b. Possession of a controlled substance under [section 124.401, subsection 5](#).

c. Violation of [section 124.407](#).

d. Violation of [section 124.414](#).

3. A person’s pretrial release, probation, supervised release, or parole shall not be revoked based on protected information.

4. Notwithstanding any other provision of law to the contrary, a court may consider the act of providing first aid or other medical assistance to someone who is experiencing a drug-related overdose as a mitigating factor in a criminal prosecution.

5. Nothing in [this section](#) shall do any of the following:

a. Preclude or prevent an investigation by law enforcement of the drug-related overdose where medical assistance was provided.

b. Be construed to limit or bar the use or admissibility of any evidence or information obtained in connection with the investigation of the drug-related overdose in the investigation or prosecution of other crimes or violations which do not qualify for immunity under [this section](#) and which are committed by any person, including the overdose patient or overdose reporter.

c. Preclude the investigation or prosecution of any person on the basis of evidence

obtained from sources other than the specific drug-related overdose where medical assistance was provided.

[2018 Acts, ch 1138, §32](#)

Referred to in [§124.401](#)

See also [§135.190](#)