

Senate File 410

S-3055

1 Amend Senate File 410 as follows:

2 1. By striking page 1, line 13, through page 3,
3 line 1, and inserting:

4 <Sec. _____. **NEW SECTION. 124.417 Persons seeking**
5 **medical assistance for drug-related overdose.**

6 1. As used in this section, unless the context
7 otherwise requires:

8 a. "*Drug-related overdose*" means a condition of a
9 person for which each of the following is true:

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

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

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

19 b. "*Overdose patient*" means a person who is, or
20 would reasonably be perceived to be, suffering a
21 drug-related overdose.

22 c. "*Overdose reporter*" means a person who seeks
23 medical assistance for an overdose patient.

24 d. "*Protected information*" means information or
25 evidence collected or derived as a result of any of the
26 following:

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

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

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

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

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

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

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

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

49 a. Violation of section 124.401, subsection 1.

50 b. Possession of a controlled substance under

1 section 124.401, subsection 5.
2 c. Violation of section 124.407.
3 d. Violation of section 124.414.
4 3. A person's pretrial release, probation,
5 supervised release, or parole shall not be revoked
6 based on protected information.
7 4. Notwithstanding any other provision of law to
8 the contrary, the act of providing first aid or other
9 medical assistance to someone who is experiencing a
10 drug-related overdose may be considered by a court as a
11 mitigating factor in a criminal prosecution.
12 5. This section shall not be construed to limit the
13 use or admissibility of any evidence in a criminal case
14 other than as provided in subsection 2.>

CHRIS BRASE