

**Senate File 43 - Introduced**

SENATE FILE 43  
BY BOLKCOM

**A BILL FOR**

1 An Act relating to immunity from certain criminal offenses  
2 for persons who report or seek medical assistance for a  
3 drug-related overdose, and modifying penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 124.417 Persons seeking medical  
2 assistance for drug-related overdose.

3 1. As used in this section, unless the context otherwise  
4 requires:

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

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

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

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

14 b. "*Overdose patient*" means a person who is, or would  
15 reasonably be perceived to be, suffering a drug-related  
16 overdose.

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

19 d. "*Protected information*" means information or evidence  
20 collected or derived as a result of any of the following:

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

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

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

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

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

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

35 (e) The overdose reporter cooperates with medical and law

1 enforcement personnel.

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

6 a. Violation of section 124.401, subsection 1.

7 b. Possession of a controlled substance under section  
8 124.401, subsection 5.

9 c. Violation of section 124.407.

10 d. Violation of section 124.414.

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

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

19 5. This section shall not be construed to limit the use or  
20 admissibility of any evidence in a criminal case other than as  
21 provided in subsection 2.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with  
24 the explanation's substance by the members of the general assembly.

25 This bill provides immunity from certain criminal offenses  
26 when a person reports or seeks medical assistance for a  
27 drug-related overdose.

28 Under the bill, if a person seeks medical assistance for  
29 another person experiencing a drug-related overdose, or if  
30 a person experiencing a drug-related overdose seeks medical  
31 assistance, the person is immune from prosecution for the  
32 possession or use of a controlled substance or possession of  
33 drug paraphernalia. Immunity for a person who seeks medical  
34 assistance for another is only available if the person is  
35 the first to seek medical assistance, provides such person's

1 name and contact information to medical or law enforcement  
2 personnel, remains on the scene until assistance arrives or  
3 is provided, and cooperates with medical and law enforcement  
4 personnel.

5 The bill further provides that a person's pretrial release,  
6 probation, supervised release, or parole shall not be revoked  
7 based on information collected because the person, personally  
8 or for another, sought medical assistance due to a drug-related  
9 overdose.

10 The bill provides that a court may consider the act of  
11 providing first aid or other medical assistance to someone who  
12 is experiencing a drug-related overdose as a mitigating factor  
13 in a criminal prosecution.