

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 1213 Session of  
2005

INTRODUCED BY CAPPELLI, BASTIAN, CALTAGIRONE, CRAHALLA,  
CREIGHTON, DENLINGER, GEIST, GINGRICH, GOODMAN, HENNESSEY,  
W. KELLER, MARSICO, PHILLIPS, RUBLEY, SCAVELLO, E. Z. TAYLOR,  
WRIGHT AND YOUNGBLOOD, MARCH 30, 2005

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 30, 2005

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, defining the offense of failure to  
3 report drug overdose; and imposing a penalty.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 18 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 5113. Failure to report drug overdose.

9 (a) Offense defined.--Except as set forth in subsection (b),  
10 a physician, intern or resident, or any person conducting,  
11 managing or in charge of any hospital or pharmacy, or in charge  
12 of any ward or part of a hospital, to whom shall come or be  
13 brought any person suffering from a drug overdose by the  
14 person's own act or by the act of another commits a summary  
15 offense if the reporting party fails to report the overdose  
16 immediately, both by telephone and in writing, to the chief of  
17 police or other head of the police department of the local

1 government, or to the Pennsylvania State Police. The report  
2 shall state the overdose patient's name, if known, the overdose  
3 patient's whereabouts and the nature and extent of the overdose.

4 (b) Exception.--Failure to report under subsection (a) does  
5 not constitute an offense if all of the following apply:

6 (1) The overdose patient is an adult.

7 (2) The overdose patient has been informed:

8 (i) of the duty to report under subsection (a); and

9 (ii) that the report under subsection (a) cannot be  
10 made without the overdose patient's consent.

11 (3) The overdose patient does not consent to the report  
12 under subsection (a).

13 (4) The overdose patient has been provided with a  
14 referral to an appropriate service agency such as a drug and  
15 alcohol treatment program.

16 (c) Immunity granted.--No physician or other person shall be  
17 subject to civil or criminal liability by reason of complying  
18 with this section.

19 (d) Physician-patient privilege unavailable.--In any  
20 judicial proceeding resulting from a report pursuant to this  
21 section, the physician-patient privilege shall not apply in  
22 respect to evidence regarding such overdose or the cause  
23 thereof. This subsection shall not apply where a report is not  
24 made pursuant to subsection (b).

25 Section 2. This act shall take effect in 60 days.