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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1164 Session of  
2013

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INTRODUCED BY PILEGGI, VULAKOVICH, ERICKSON, FARNESE, RAFFERTY,  
WOZNIAK, ALLOWAY, YAW, BAKER, SOLOBAY AND BRUBAKER,  
NOVEMBER 12, 2013

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REFERRED TO JUDICIARY, NOVEMBER 12, 2013

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AN ACT

1 Amending the act of April 14, 1972 (P.L.233, No.64), entitled  
2 "An act relating to the manufacture, sale and possession of  
3 controlled substances, other drugs, devices and cosmetics;  
4 conferring powers on the courts and the secretary and  
5 Department of Health, and a newly created Pennsylvania Drug,  
6 Device and Cosmetic Board; establishing schedules of  
7 controlled substances; providing penalties; requiring  
8 registration of persons engaged in the drug trade and for the  
9 revocation or suspension of certain licenses and  
10 registrations; and repealing an act," providing for drug  
11 overdose response immunity.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. The act of April 14, 1972 (P.L.233, No.64), known  
15 as The Controlled Substance, Drug, Device and Cosmetic Act, is  
16 amended by adding a section to read:

17 Section 13.7. Drug Overdose Response Immunity.--(a) A  
18 person shall be immune from prosecution for any offense listed  
19 in subsection (b) and from a violation of probation or parole if  
20 the person can establish the following:

21 (1) law enforcement officers only became aware of the  
22 person's commission of an offense listed in subsection (b)

1 because the person transported a person experiencing a drug  
2 overdose event to a law enforcement agency, a campus security  
3 office or a health care facility; or

4 (2) all of the following apply:

5 (i) law enforcement officers only became aware of the  
6 person's commission of an offense listed in subsection (b)  
7 because the person reported, in good faith, a drug overdose  
8 event to a law enforcement officer, the 911 system, a campus  
9 security officer or emergency services personnel, based on a  
10 reasonable belief that another person was in need of immediate  
11 medical attention to prevent death or serious bodily injury due  
12 to a drug overdose;

13 (ii) the person reasonably believed he was the first person  
14 to contact a law enforcement officer, the 911 system, a campus  
15 security officer or emergency services personnel to report that  
16 the person needed immediate medical attention to prevent death  
17 or serious bodily injury due to a drug overdose;

18 (iii) the person provided his own name and location and  
19 cooperated with the law enforcement officer, 911 system, campus  
20 security officer or emergency services personnel; and

21 (iv) the person remained with the person needing immediate  
22 medical attention until a law enforcement officer, a campus  
23 security officer or emergency services personnel arrived.

24 (b) The limited immunity described in subsection (a) bars  
25 prosecution for probation and parole violations and for  
26 violations of section 13(a) (5), (16), (19), (31), (32), (33) and  
27 (37).

28 (c) The immunity described in this section also extends to  
29 the person who suffered the drug overdose event if all the  
30 conditions of subsection (a) (1) or (2) are satisfied.

1 (d) The immunity described in this section is limited in the  
2 following respects:

3 (1) This section may not bar prosecutions or penalties for  
4 offenses enumerated in subsection (b) if a law enforcement  
5 officer obtains information prior to or independent of the  
6 action of seeking or obtaining emergency assistance as described  
7 in subsection (a).

8 (2) This section may not interfere with or prevent the  
9 investigation, arrest or prosecution of a person for the  
10 delivery or distribution of a controlled substance, drug-induced  
11 homicide or any other crime not set forth in subsection (b).

12 (3) This section may not bar the admissibility of any  
13 evidence in connection with the investigation and prosecution  
14 for any other prosecution not barred by this section.

15 (4) This section may not bar the admissibility of any  
16 evidence in connection with the investigation and prosecution of  
17 a crime with regard to another defendant who does not  
18 independently qualify for the immunity provided for by this  
19 section.

20 (e) Definitions.--As used in this section, the following  
21 words and phrases shall have the meanings given to them in this  
22 subsection unless the context clearly indicates otherwise:

23 "911 system." A system, including enhanced 911 service and a  
24 wireless E-911 system, that permits a person dialing 911 by  
25 telephone to be connected to a public safety answering point,  
26 via normal telephone facilities, for the reporting of police,  
27 fire, medical or other emergency situations.

28 "Campus security officer." An employee of an institution of  
29 higher education charged with maintaining the safety and  
30 security of the property of the institution and the persons on

1 the property.

2 "Drug overdose event." An acute medical condition,  
3 including, but not limited to, severe physical illness, coma,  
4 mania, hysteria or death, which is the result of consumption or  
5 use of one or more controlled substances causing an adverse  
6 reaction. A patient's condition shall be deemed to be a drug  
7 overdose if a prudent layperson, possessing an average knowledge  
8 of medicine and health, would reasonably believe that the  
9 condition is in fact a drug overdose and requires immediate  
10 medical attention.

11 "Emergency services personnel." Individuals, including a  
12 trained volunteer or a member of the armed forces of the United  
13 States or the National Guard, whose official or assigned  
14 responsibilities include performing or directly supporting the  
15 performance of emergency medical and rescue services or  
16 firefighting.

17 "Law enforcement officer." A person who by virtue of the  
18 person's office or public employment is vested by law with a  
19 duty to maintain public order or to make arrests for offenses,  
20 whether that duty extends to all offenses or is limited to  
21 specific offenses, or a person on active State duty under 51  
22 Pa.C.S. § 508 (relating to active duty for emergency).

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