

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 137 Session of 2019

INTRODUCED BY QUINN, McNEILL, COX, SAYLOR, SIMMONS, HILL-EVANS, BARRAR, CONKLIN, STRUZZI, STAATS, HAHN, KORTZ, EVERETT, JOHNSON-HARRELL AND ROTHMAN, JANUARY 28, 2019

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 22, 2019

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," further providing for
11 drug overdose response immunity.

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

14 Section 1. Section 13.7(c) of the act of April 14, 1972
15 (P.L.233, No.64), known as The Controlled Substance, Drug,
16 Device and Cosmetic Act, is amended AND THE SECTION IS AMENDED <--
17 BY ADDING A SUBSECTION to read:

18 Section 13.7. Drug Overdose Response Immunity.--* * *

19 (c) †Persons experiencing drug overdose events may not be <--
20 charged and shall be immune from prosecution as provided in
21 subsection (b) [if a person who transported or reported and <--

1 remained with them may not be charged and is entitled to
2 immunity under this section.] ~~(1) A person experiencing a drug <--
3 overdose event may not be charged and shall be immune from
4 prosecution if, within ten days after receiving medical
5 attention for the drug overdose event, the person experiencing
6 the drug overdose event obtained a screening and received a
7 referral for treatment from a properly accredited addiction
8 services provider, including a certified recovery specialist or
9 other trained medical professional.~~

10 ~~(2) A person who transported or reported and remained with a
11 person experiencing a drug overdose event may not be charged and
12 is entitled to immunity under this section. ONLY IF: <--~~

13 ~~(1) A PERSON WHO TRANSPORTED OR REPORTED AND REMAINED WITH
14 THEM MAY NOT BE CHARGED AND IS ENTITLED TO IMMUNITY UNDER THIS
15 SECTION; AND~~

16 ~~(2) WITHIN THIRTY DAYS AFTER RECEIVING THE WRITTEN NOTICE
17 UNDER SUBSECTION (C.1), THE PERSON EXPERIENCING THE DRUG
18 OVERDOSE OBTAINS SCREENING AND, IF TREATMENT IS RECOMMENDED,
19 RECEIVES A REFERRAL FOR TREATMENT FROM A PROPERLY ACCREDITED
20 ADDICTION SERVICES PROVIDER OR PROFESSIONAL. THE PERSON SHALL,
21 IF REQUESTED BY THE ATTORNEY FOR THE COMMONWEALTH, ISSUING
22 AUTHORITY OR TRIAL COURT, SUBMIT DOCUMENTATION VERIFYING THAT
23 THE PERSON OBTAINED SCREENING AND, IF APPLICABLE, RECEIVED A
24 REFERRAL FOR TREATMENT. THE DOCUMENTATION SHALL BE LIMITED TO
25 THE DATE AND TIME OF THE SCREENING OBTAINED AND, IF APPLICABLE,
26 REFERRAL RECEIVED. THIS PARAGRAPH SHALL NOT APPLY TO A PERSON
27 THAT DEMONSTRATES A REASONABLE INABILITY TO PAY FOR OR OTHERWISE
28 OBTAIN THE SCREENING AND REFERRAL.~~

29 ~~(C.1) THE ARRESTING LAW ENFORCEMENT OFFICER, ATTORNEY FOR
30 THE COMMONWEALTH, ISSUING AUTHORITY OR TRIAL COURT SHALL PROVIDE~~

1 WRITTEN NOTICE TO THE PERSON THAT EXPERIENCED THE DRUG OVERDOSE
2 OF THE REQUIREMENTS SPECIFIED IN SUBSECTION (C) (2).

3 * * *

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