

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 431 Session of
2007

INTRODUCED BY CAPPELLI, BARRAR, BEYER, BOYD, CALTAGIRONE, COX,
CREIGHTON, FREEMAN, GEIST, GINGRICH, HARHAI, HARRIS,
HENNESSEY, HERSHEY, HESS, HORNAMAN, MARSICO, M. O'BRIEN,
O'NEILL, PHILLIPS, PYLE, REICHLEY, RUBLEY, SCAVELLO,
SCHRODER, SOLOBAY, STERN, SURRA, J. TAYLOR, TURZAI AND
YOUNGBLOOD, FEBRUARY 26, 2007

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
FEBRUARY 26, 2007

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for the offense of failure
3 to 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) Duty to report.--

10 (1) Except as set forth in subsection (b), a physician,
11 intern or resident or any person conducting, managing or in
12 charge of any hospital or pharmacy, or in charge of any ward
13 or part of a hospital, to whom shall come or be brought any
14 person suffering from a drug overdose by the person's own act
15 or by the act of another commits a summary offense if the
16 physician, intern, resident or such person fails to report

1 the overdose immediately, as required under paragraph (2),
2 both by telephone and in writing, to the chief of police or
3 other head of the police department of the local government,
4 or to the Pennsylvania State Police.

5 (2) The report shall state the overdose patient's name,
6 if known, the overdose patient's whereabouts and the nature
7 and extent of the overdose.

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

10 (1) The overdose patient is an adult.

11 (2) The overdose patient has been informed:

12 (i) of the physician's, intern's, resident's or such
13 person's duty to report under subsection (a); and

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

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

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

21 (c) Immunity granted.--No physician, intern, resident or
22 other person shall be subject to civil or criminal liability by
23 reason of complying with this section.

24 (d) Physician-patient privilege unavailable.--

25 (1) In any judicial proceeding resulting from a report
26 pursuant to this section, the physician-patient privilege
27 shall not apply in respect to evidence regarding such
28 overdose or the cause thereof.

29 (2) This subsection shall not apply where there is a
30 failure to report that satisfies the provisions under

1 subsection (b).

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