

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2489 Session of 2012

INTRODUCED BY DiGIROLAMO, BISHOP, BOBACK, BOYD, BRENNAN, CALTAGIRONE, CARROLL, CLYMER, D. COSTA, DAVIS, DeLUCA, DONATUCCI, J. EVANS, FARRY, GEIST, GEORGE, GODSHALL, GROVE, HALUSKA, HARHAI, HARKINS, HARPER, HESS, KILLION, KORTZ, KULA, MAHONEY, McGEEHAN, MICOZZIE, MILLARD, MURPHY, MURT, M. O'BRIEN, O'NEILL, PASHINSKI, PETRI, PICKETT, PYLE, READSHAW, ROSS, SABATINA, SANTARSIERO, STABACK, SWANGER AND YOUNGBLOOD, JUNE 21, 2012

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 21, 2012

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 criminal  
11 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 13.6. Criminal Immunity.--(a) The following persons  
18 shall be barred from being arrested, charged, prosecuted or  
19 convicted for committing a prohibited act under section 13:

1     (1) A person who, in good faith, seeks medical assistance  
2     for a person experiencing a drug overdose.

3     (2) A person who experiences a drug overdose and seeks  
4     medical assistance.

5     (3) A person who is subject to a good faith request for  
6     medical assistance due to a drug overdose.

7     (b) As used in this section, the term "drug overdose" means  
8     an acute condition caused from the use of a drug as defined  
9     under section 2, which results in physical illness, coma, mania,  
10    hysteria or death.

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