
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2719 Session of
2018

INTRODUCED BY COMITTA, DALEY, SCHLOSSBERG, J. McNEILL,
YOUNGBLOOD AND HILL-EVANS, OCTOBER 17, 2018

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 17, 2018

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(a)(2), (c) and (f) of the act of
15 April 14, 1972 (P.L.233, No.64), known as The Controlled
16 Substance, Drug, Device and Cosmetic Act, are amended to read:

17 Section 13.7. Drug Overdose Response Immunity.--(a) A
18 person may not be charged and shall be immune from prosecution
19 for any offense listed in subsection (b) and for a violation of
20 probation or parole if the person can establish the following:

21 * * *

22 (2) all of the following apply:

1 (i) the person reported, in good faith, a drug overdose
2 event to a law enforcement officer, the 911 system, a campus
3 security officer or emergency services personnel and the report
4 was made on the reasonable belief that [another person] a person
5 experiencing a drug overdose event was in need of immediate
6 medical attention and was necessary to prevent death or serious
7 bodily injury due to a drug overdose event;

8 (ii) the person provided his own name and location and
9 cooperated with the law enforcement officer, 911 system, campus
10 security officer or emergency services personnel; and

11 (iii) the person remained with the person experiencing a
12 drug overdose event and needing immediate medical attention
13 until a law enforcement officer, a campus security officer or
14 emergency services personnel arrived.

15 * * *

16 (c) [Persons] Notwithstanding any other provision of law,
17 persons experiencing drug overdose events may not be charged and
18 shall be immune from prosecution as provided in subsection (b)
19 if [a person who transported or reported and remained with them
20 may not be charged and is entitled to immunity under this
21 section.] the following apply:

22 (1) The person came to the attention of law enforcement as a
23 result of a request for immediate medical attention to prevent
24 death or serious bodily injury.

25 (2) The person agrees to undergo a drug and alcohol
26 assessment within 45 days of the date of the drug overdose
27 event.

28 (3) The person has not been convicted of a second or
29 subsequent offense or prosecuted for a probation or parole
30 violation of section 13(a) (5), (16), (19), (31), (32), (33) and

1 (37).

2 * * *

3 (f) As used in this section, the following words and phrases
4 shall have the meanings given to them in this subsection unless
5 the context clearly indicates otherwise:

6 "911 system." A system, including enhanced 911 service and a
7 wireless E-911 system, that permits a person dialing 911 by
8 telephone to be connected to a public safety answering point,
9 via normal telephone facilities, for the reporting of police,
10 fire, medical or other emergency situations.

11 "Campus security officer." An employee of an institution of
12 higher education charged with maintaining the safety and
13 security of the property of the institution and the persons on
14 the property.

15 "Drug and alcohol assessment." An assessment performed by an
16 accredited addiction services provider or professional to
17 evaluate an individual's need for addiction treatment and
18 counseling services.

19 "Drug overdose event." An acute medical condition,
20 including, but not limited to, severe physical illness, coma,
21 mania, hysteria or death, which is the result of consumption or
22 use of one or more controlled substances causing an adverse
23 reaction. A patient's condition shall be deemed to be a drug
24 overdose if a prudent layperson, possessing an average knowledge
25 of medicine and health, would reasonably believe that the
26 condition is in fact a drug overdose and requires immediate
27 medical attention.

28 "Emergency services personnel." Individuals, including a
29 trained volunteer or a member of the armed forces of the United
30 States or the National Guard, whose official or assigned

1 responsibilities include performing or directly supporting the
2 performance of emergency medical and rescue services or
3 firefighting.

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

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