

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 171 Session of 2011

INTRODUCED BY MILLER, FLECK, GINGRICH, GRELL, PYLE AND ROSS,  
JANUARY 24, 2011

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 24, 2011

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 immunity  
11 from prosecution.

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. Immunity from Prosecution.--(a) A person  
18 shall be immune from prosecution for a violation of this act if  
19 the person can establish all of the following:

20 (1) The person reasonably believed he or she was witnessing  
21 another person experience a drug-related overdose.

22 (2) The person was the first person to seek medical

1 assistance for the person experiencing the overdose.

2 (3) The person provided his own name to emergency personnel.

3 (4) The person remained with the person needing medical  
4 assistance until emergency health care providers arrived and the  
5 need for his presence ended.

6 (b) This section shall not apply if any of the following  
7 occur:

8 (1) The person provided the drugs which were taken by the  
9 individual experiencing the overdose.

10 (2) A criminal charge can be filed relating to the  
11 manufacture of or possession with the intent to manufacture  
12 controlled substances.

13 (3) A criminal charge can be filed relating to delivery or  
14 possession with intent to deliver a controlled substance.

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