

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1238 Session of 2021

INTRODUCED BY QUINN, MADDEN, ZIMMERMAN, DELLOSO AND CONKLIN,
APRIL 20, 2021

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 20, 2021

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
22 remained with them may not be charged and is entitled to

1 immunity under this section.] only if:

2 (1) a person who transported or reported and remained with
3 them may not be charged and is entitled to immunity under this
4 section; and

5 (2) within thirty days after receiving the written notice
6 under subsection (c.1), the person experiencing the drug
7 overdose obtains screening and, if treatment is recommended,
8 receives a referral for treatment from a properly accredited
9 addiction services provider or professional. The person shall,
10 if requested by the attorney for the Commonwealth, issuing
11 authority or trial court, submit documentation verifying that
12 the person obtained screening and, if applicable, received a
13 referral for treatment. The documentation shall be limited to
14 the date and time of the screening obtained and, if applicable,
15 referral received. This paragraph shall not apply to a person
16 that demonstrates a reasonable inability to pay for or otherwise
17 obtain the screening and referral.

18 (c.1) The arresting law enforcement officer, attorney for
19 the Commonwealth, issuing authority or trial court shall provide
20 written notice to the person that experienced the drug overdose
21 of the requirements specified in subsection (c)(2).

22 * * *

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