

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 294

99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE LYNCH.

0109H.02P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To amend chapter 195, RSMo, by adding thereto one new section relating to immunity for persons who seek medical assistance for a drug or alcohol overdose.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 195, RSMo, is amended by adding thereto one new section, to be  
2 known as section 195.205, to read as follows:

**195.205. 1. For purposes of this section, the following terms shall mean:**

2 **(1) "Drug or alcohol overdose", a condition including, but not limited to, extreme**  
3 **physical illness, decreased level of consciousness, respiratory depression, coma, mania, or**  
4 **death which is the result of consumption or use of a controlled substance or alcohol or a**  
5 **substance with which the controlled substance or alcohol was combined, or that a person**  
6 **would reasonably believe to be a drug or alcohol overdose that requires medical assistance;**

7 **(2) "Medical assistance", includes, but is not limited to, reporting a drug or alcohol**  
8 **overdose or other medical emergency to law enforcement, the 911 system, a poison control**  
9 **center, or a medical provider; assisting someone so reporting; or providing care to someone**  
10 **who is experiencing a drug or alcohol overdose or other medical emergency while awaiting**  
11 **the arrival of medical assistance.**

12 **2. A person who, in good faith, seeks or obtains medical assistance for someone who**  
13 **is experiencing a drug or alcohol overdose or other medical emergency or a person**  
14 **experiencing a drug or alcohol overdose or other medical emergency who seeks medical**  
15 **assistance for himself or herself or is the subject of a good faith request shall not be**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **arrested, charged, prosecuted, convicted, or have his or her property subject to civil**  
17 **forfeiture or otherwise be penalized for the following if the evidence for the arrest, charge,**  
18 **prosecution, conviction, seizure, or penalty was gained as a result of seeking or obtaining**  
19 **medical assistance:**

20 **(1) Committing a prohibited act under sections 579.015, 579.074, 579.078, or**  
21 **579.105;**

22 **(2) Committing a prohibited act under sections 311.310, 311.320, or 311.325;**

23 **(3) Violating a restraining order; or**

24 **(4) Violating probation or parole.**

25 **3. (1) This section shall not prohibit a police officer from arresting a person for an**  
26 **outstanding warrant under subsection 1 of section 221.510.**

27 **(2) This section shall not prohibit a person from being arrested, charged, or**  
28 **prosecuted based on an offense other than an offense under subsection 2 of this section,**  
29 **whether the offense arises from the same circumstances as the seeking of medical**  
30 **assistance.**

31 **(3) The protection of prosecution under this section for possession offenses shall not**  
32 **be grounds for suppression of evidence or dismissal in charges unrelated to this section.**

33 **4. Any police officer who is in contact with any person or persons in need of**  
34 **emergency medical assistance under this section shall provide appropriate information and**  
35 **resources for substance-related assistance.**

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