

FIRST REGULAR SESSION

HOUSE BILL NO. 236

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SPENCER.

0668H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 195, RSMo, by adding thereto one new section relating to the Missouri Good Samaritan Law.

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. This section shall be called and may be cited as the "Missouri Good
2 Samaritan Law."**

**3 2. As used in this section "overdose" means a controlled substance-induced
4 physiological event or an imitation controlled substance-induced physiological event that
5 results in a life-threatening emergency to the individual who ingested, inhaled, injected, or
6 otherwise bodily absorbed a controlled substance or an imitation controlled substance.**

**7 3. A person who, in good faith, seeks or obtains emergency medical assistance for
8 someone experiencing an overdose shall not be charged or prosecuted for possession of a
9 controlled substance under section 195.202 or for possession of an imitation controlled
10 substance under section 195.241 if evidence of the possession of a controlled substance
11 charge or the possession of an imitation controlled substance charge was acquired as a
12 result of the person seeking or obtaining emergency medical assistance and providing the
13 amount of substance recovered is within the amount identified in subsection 5 of this
14 section.**

**15 4. A person who is experiencing an overdose shall not be charged or prosecuted for
16 possession of a controlled substance under section 195.202 or for possession of an imitation
17 controlled substance under section 195.241 if evidence of the possession of a controlled**

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.

18 substance charge or the possession of an imitation controlled substance charge was
19 acquired as a result of the person seeking or obtaining emergency medical assistance and
20 providing the amount of substance recovered is within the amount identified in subsection
21 5 of this section.

22 **5. For the purposes of subsections 3 and 4 of this section, the limited immunity shall**
23 **apply only to a person possessing the following amount:**

24 **(1) Less than three grams of a substance containing heroin;**

25 **(2) Less than three grams of a substance containing cocaine;**

26 **(3) Less than three grams of a substance containing morphine;**

27 **(4) Less than forty grams of a substance containing peyote;**

28 **(5) Less than forty grams of a substance containing a derivative of barbituric acid**
29 **or any of the salts of a derivative of barbituric acid;**

30 **(6) Less than forty grams of a substance containing amphetamine or any salt of an**
31 **optical isomer of amphetamine;**

32 **(7) Less than three grams of a substance containing lysergic acid diethylamide**
33 **(LSD), or an analog thereof;**

34 **(8) Less than six grams of a substance containing pentazocine or any of the salts,**
35 **isomers and salts of isomers of pentazocine, or an analog thereof;**

36 **(9) Less than six grams of a substance containing methaqualone or any of the salts,**
37 **isomers and salts of isomers of methaqualone;**

38 **(10) Less than six grams of a substance containing phencyclidine (PCP) or any of**
39 **the salts, isomers and salts of isomers of phencyclidine (PCP);**

40 **(11) Less than six grams of a substance containing ketamine or any of the salts,**
41 **isomers and salts of isomers of ketamine;**

42 **(12) Less than forty grams of a substance containing a substance classified as a**
43 **narcotic drug in Schedule I or II, or an analog thereof, which is not otherwise included in**
44 **this subsection; or**

45 **(13) Less than forty grams of an imitation controlled substance.**

46 **6. The limited immunity described in subsections 3 and 4 of this section shall not**
47 **be extended if law enforcement has reasonable suspicion or probable cause to detain,**
48 **arrest, or search the person described in subsection 3 or 4 of this section for criminal**
49 **activity and the reasonable suspicion or probable cause is based on information obtained**
50 **prior to or independent of the individual described in subsection 3 or 4 of this section**
51 **taking action to seek or obtain emergency medical assistance and not obtained as a direct**
52 **result of the action of seeking or obtaining emergency medical assistance. Nothing in this**
53 **section is intended to interfere with or prevent the investigation, arrest, or prosecution of**

54 any person for the delivery or distribution of cannabis, methamphetamine or other
55 controlled substances, drug-induced murder, or any other crime.

56 7. The fact that a defendant sought or obtained emergency medical assistance for
57 an overdose for such defendant or another shall be accorded weight in favor of withholding
58 or minimizing a sentence of imprisonment for violating the provisions of section 195.202,
59 195.211, 195,222, or 195.241. If the court, having due regard for the character of the
60 offender, the nature and circumstances of the offense and the public interest finds that a
61 sentence of imprisonment is the most appropriate disposition of the offender, or if other
62 provisions of the law mandate the imprisonment of the offender, this fact shall be
63 considered in mitigation of the length of the term imposed.

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