

REFERENCE TITLE: **medical assistance requests; evidence; mitigation**

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HB 2089

Introduced by
Representative Friese

AN ACT

AMENDING TITLE 13, CHAPTER 34, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3423; RELATING TO DRUG OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 13, chapter 34, Arizona Revised Statutes, is amended
3 by adding section 13-3423, to read:

4 13-3423. Medical assistance requests; prohibited prosecution of
5 good samaritan; mitigating factor

6 A. A PERSON WHO, IN GOOD FAITH, SEEKS MEDICAL ASSISTANCE FOR SOMEONE
7 EXPERIENCING A DRUG RELATED OVERDOSE MAY NOT BE CHARGED OR PROSECUTED FOR THE
8 POSSESSION OR USE OF A CONTROLLED SUBSTANCE OR DRUG PARAPHERNALIA IF THE
9 EVIDENCE FOR THE VIOLATION WAS GAINED AS A RESULT OF THE SEEKING OF MEDICAL
10 ASSISTANCE.

11 B. A PERSON WHO EXPERIENCES A DRUG RELATED OVERDOSE AND WHO IS IN NEED
12 OF MEDICAL ASSISTANCE MAY NOT BE CHARGED OR PROSECUTED FOR THE POSSESSION OR
13 USE OF A CONTROLLED SUBSTANCE OR DRUG PARAPHERNALIA IF THE EVIDENCE FOR THE
14 VIOLATION WAS GAINED AS A RESULT OF THE OVERDOSE AND THE NEED FOR MEDICAL
15 ASSISTANCE.

16 C. THE ACT OF SEEKING MEDICAL ASSISTANCE FOR SOMEONE WHO IS
17 EXPERIENCING A DRUG RELATED OVERDOSE MAY BE USED AS A MITIGATING FACTOR IN A
18 CRIMINAL PROSECUTION FOR A VIOLATION OF THIS CHAPTER.