

By: Senator(s) Bryan, Clarke, McDaniel,
Parker, Stone, Watson

To: Judiciary, Division B

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2780

1 AN ACT TO CREATE NEW SECTION 41-29-149.1, MISSISSIPPI CODE OF
2 1972, TO CREATE THE "MISSISSIPPI MEDICAL EMERGENCY GOOD SAMARITAN
3 ACT" TO PROVIDE IMMUNITY FROM ARREST OR PROSECUTION FOR CERTAIN
4 DRUG VIOLATIONS BY A PERSON SEEKING TREATMENT FOR A DRUG OVERDOSE
5 IF THE EVIDENCE OF THE VIOLATION RESULTS FROM THE MEDICAL
6 TREATMENT OF THE DRUG OVERDOSE; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** The following shall be codified as Section
9 41-29-149.1, Mississippi Code of 1972:

10 41-29-149.1. (1) This section shall be known as the
11 "Mississippi Medical Emergency Good Samaritan Act."

12 (2) As used in this section, the following words shall have
13 the meanings ascribed:

14 (a) "Drug overdose" means an acute condition,
15 including, but not limited to, extreme physical illness, decreased
16 level of consciousness, respiratory depression, coma, mania, or
17 death, resulting from the consumption or use of a controlled
18 substance or dangerous drug in violation of this chapter or that a
19 layperson would reasonably believe to be resulting from the



consumption or use of a controlled substance or dangerous drug for which medical assistance is required.

(b) "Drug violation" means:

(i) A violation of Section 41-29-139 for possession of a controlled substance if the aggregate weight, including any mixture, is less than four (4) grams of a solid substance, less than twenty (20) dosage units, less than one (1) milliliter of liquid substance, or, if the substance is placed onto a secondary medium, has a combined weight of less than four (4) grams;

(ii) A violation of Section 41-29-139 for possession of thirty (30) grams or less of marihuana or synthetic cannabinoids; or

(iii) A violation of Section 41-29-139(d) (2) relating to possession and use of paraphernalia.

(c) "Medical assistance" means aid provided to a person experiencing or believed to be experiencing a drug overdose by a health care professional who is licensed, registered, or certified under the laws of this state and who, acting within the lawful scope of practice, may provide diagnosis, treatment, or emergency services relative to the overdose.

(d) "Seeks medical assistance" means accesses or assists in accessing the E-911 system or otherwise contacts or assists in contacting law enforcement or a poison control center or provides care to a person experiencing or believed to be



45 experiencing a drug overdose while awaiting the arrival of medical
46 assistance to aid the person.

47 (3) (a) Any person who in good faith seeks medical
48 assistance for someone who is experiencing a drug overdose shall
49 not be arrested, charged, or prosecuted for a drug violation if
50 there is evidence that the person is under the influence of a
51 controlled substance or in possession of a controlled substance as
52 referenced in subsection (2)(b) of this section.

53 (b) Any person who is experiencing a drug overdose and,
54 in good faith, seeks medical assistance or is the subject of a
55 request for medical assistance shall not be arrested, charged, or
56 prosecuted for a drug violation if there is evidence that the
57 person is under the influence of a controlled substance or in
58 possession of a controlled substance as referenced in subsection
59 (2)(b) of this section.

60 (c) A person shall also not be subject to, if related
61 to the seeking of medical assistance:

62 (i) Penalties for a violation of a permanent or
63 temporary protective order or restraining order;

64 (ii) Sanctions for a violation of a condition of
65 pretrial release, condition of probation, or condition of parole
66 based on a drug violation; or

67 (iii) Forfeiture of property pursuant to Section
68 41-29-153 or 41-29-176 for a drug violation, except that prima
69 facie contraband shall be subject to forfeiture.



(4) Nothing in this section shall be construed:

(a) To limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regard to a defendant who does not qualify for the protections of subsection (3) of this section or with regard to other crimes committed by a person who otherwise qualifies for protection pursuant to subsection (3) of this section;

(b) To limit any seizure of evidence or contraband otherwise permitted by law; and

(c) To limit or abridge the authority of a law enforcement officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in subsection (3) of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2015.

