Immunity for drug overdose reporting.

Sponsored by: Representative(s) Pelkey, Blake, Lindholm, Schwartz and Zwonitzer and Senator(s) Case

A BILL

for

AN ACT relating to controlled substances; providing immunity from prosecution of specified offenses under the Wyoming Controlled Substance Act of 1971 to persons who report or experience an emergency drug overdose event as specified; providing applicability; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 35-7-1064 is created to read:

35-7-1064. Drug overdose; limited immunity from prosecution.
(a) Notwithstanding any other provision of law, a person who, in good faith, seeks medical assistance for himself or another person is immune from criminal prosecution for an offense listed in subsection (c) of this section if:

(i) The person reasonably believes he or another person is experiencing a drug overdose event;

(ii) The person provides a functional description of the actual location of the drug overdose event;

(iii) The person remains at the scene of the drug overdose event until a responding law enforcement officer or emergency medical service provider arrives, or the person remains at the medical care facility where the person experiencing the drug overdose event is located until a responding law enforcement officer arrives;

(iv) The person cooperates with a responding law enforcement officer, emergency medical service provider or medical care provider, including by providing information
about the person experiencing the drug overdose event and
the type of substance that may have caused the drug
overdose event; and

(v) The offense listed in subsection (c) of this
section arises from the same course of events as the drug
overdose event.

(b) The immunity from prosecution under subsection
(a) of this section shall extend to the person experiencing
the drug overdose event if all the conditions specified in
subsection (a) of this section are satisfied.

(c) The immunity from prosecution under subsection
(a) of this section shall apply to the following offenses:

(i) Possession of a controlled substance under
W.S. 35-7-1031(c);

(ii) Use of a controlled substance under W.S.
35-7-1039.

(d) As used in this section:
(i) "Drug overdose event" means a condition, including extreme physical illness, a decreased level of consciousness or respiratory depression resulting from the consumption or use of a controlled substance or another substance with which a controlled substance was combined that a reasonable person would believe to require medical assistance;

(ii) "Good faith" does not include seeking medical assistance under this section as a result of using a controlled substance during the course of a law enforcement agency's execution of a search warrant, arrest warrant or other lawful search or arrest.

(e) Nothing in this section shall be interpreted to:

(i) Prohibit the criminal prosecution of a person for an offense other than an offense specified in subsection (c) of this section;

(ii) Limit the authority of a law enforcement officer to obtain or use evidence obtained from a report,
recording or other statement provided by a person seeking medical assistance for himself or another person under this section to investigate and prosecute an offense other than an offense listed in subsection (c) of this section.

Section 2. W.S. 35-7-1002(a)(xxviii) is amended to read:

35-7-1002. Definitions.

(a) As used in this act:

(xxviii) "This act" means W.S. 35-7-1001 through 35-7-1063.

Section 3. This act is effective July 1, 2017.

(END)