

28-LS1515\C
Strasbaugh
3/20/14

CS FOR HOUSE BILL NO. 369()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE PRUITT

A BILL

FOR AN ACT ENTITLED

"An Act relating to restrictions on the criminal prosecution for certain offenses for a person who seeks medical assistance for a person experiencing a drug overdose."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*** Section 1.** AS 11.71 is amended by adding a new section to read:

Sec. 11.71.311. Restriction on prosecution for certain persons in connection with a drug overdose. (a) A person may not be prosecuted for a violation of AS 11.71.030(a)(3), 11.71.040(a)(3) or (4), 11.71.050(a)(2), or 11.71.060(a)(1) or (2) if that person

(1) sought, in good faith, medical or law enforcement assistance for another person who the person reasonably believed was experiencing a drug overdose and

(A) the evidence supporting the prosecution for an offense under AS 11.71.030(a)(3), 11.71.040(a)(3) or (4), 11.71.050(a)(2), or 11.71.060(a)(1) or (2) was obtained or discovered as a result of the person

1 seeking medical or law enforcement assistance;

2 (B) the person remained at the scene with the other person until
3 medical or law enforcement assistance arrived; and

4 (C) the person cooperated with medical or law enforcement
5 personnel, including by providing identification;

6 (2) was experiencing a drug overdose and sought medical assistance,
7 and the evidence supporting a prosecution for an offense under AS 11.71.030(a)(3),
8 11.71.040(a)(3) or (4), 11.71.050(a)(2), or 11.71.060(a)(1) or (2) was obtained as a
9 result of the overdose and the need for medical assistance.

10 (b) In this section, "drug overdose" means a controlled-substance-induced
11 physiological event that results in a life-threatening emergency to the person who
12 ingested, inhaled, injected, or otherwise introduced the controlled substance into the
13 body.

14 * **Sec. 2.** The uncoded law of the State of Alaska is amended by adding a new section to
15 read:

16 **APPLICABILITY.** This Act applies to offenses occurring before, on, or after the
17 effective date of this Act.