

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: S3/5/15 H3/25/15
A Bill

SENATE BILL 543

By: Senator Rapert
By: Representative Bragg

For An Act To Be Entitled

AN ACT TO CREATE THE JOSHUA ASHLEY-PAULEY ACT; TO
PROVIDE IMMUNITY FOR SEEKING MEDICAL ASSISTANCE
DURING A DRUG OVERDOSE; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE JOSHUA ASHLEY-PAULEY ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 20, Chapter 13, is amended to add an additional subchapter to read as follows:

Subchapter 16 – Joshua Ashley-Pauley Act

20-13-1601. Title.

This subchapter shall be known and may be cited as the "Joshua Ashley-Pauley Act".

20-13-1602. Legislative findings.

The General Assembly finds that:

(1) In the United States, drug overdose death rates more than tripled since 1990;

(2) Every day in the United States, one hundred twenty (120) people die as a result of a drug overdose while another six thousand seven hundred forty-eight (6,748) are treated in emergency departments for the misuse or abuse of drugs;

(3) Joshua Ashley-Pauley of Faulkner County died of a drug



overdose in May 2014;

(4) Drug overdoses were the leading cause of death in 2012, with drug overdoses causing more deaths among people between twenty-five (25) years of age and sixty-four (64) years of age than motor vehicle traffic crashes;

(5) Overdose reporting legislation, medical amnesty legislation, or 911 Good Samaritan laws have been enacted in fourteen (14) states, including Louisiana, Oklahoma, and Tennessee, and are under consideration in several other states;

(6) In North Carolina, it is believed that at least twenty (20) lives have been saved since passage of similar legislation; and

(7) The State of Arkansas must take steps to combat the increase of drug overdoses in the state and protect the health and safety of its citizens.

20-13-1603. Definitions.

As used in this subchapter:

(1) "Drug overdose" means an acute condition resulting from, or that a reasonable person would believe to be resulting from, the consumption or use of alcohol, a controlled substance, or dangerous drug, or a combination of alcohol, controlled substance, or dangerous drug by an individual, causing signs including without limitation:

- (A) Extreme physical illness;
- (B) Decreased level of consciousness;
- (C) Respiratory depression;
- (D) Coma;
- (E) Mania; or
- (F) Death;

(2) "Emergency medical services" means:

(A) The transportation and medical care provided the ill or injured by licensed emergency medical services personnel or other healthcare providers before arrival at a medical facility; and

(B) Continuation of the initial emergency care within a medical facility subject to the approval of the medical staff and governing board of that facility;

(3) "Medical assistance" means aid provided to a person

experiencing or believed to be experiencing a drug overdose by a healthcare provider acting within its scope of practice that may provide diagnosis, treatment, or emergency medical services relative to the drug overdose; and

(4) "Seeks medical assistance" means accesses or assists in accessing the 911 system or otherwise contacts or assists in contacting law enforcement or a poison control center and provides care to a person experiencing or believed to be experiencing a drug overdose.

20-13-1604. Immunity for seeking medical assistance.

(a) A person shall not be arrested, charged, or prosecuted for possession of a controlled substance in violation of § 5-64-419 if the evidence for the arrest, charge, or prosecution of the possession of a controlled substance in violation of § 5-64-419 resulted solely from seeking medical assistance if:

(1) The person in good faith seeks medical assistance for another person who is experiencing a drug overdose; or

(2) The person who is experiencing a drug overdose and in good faith seeks medical assistance for himself or herself.

(b) A person shall not be subject to penalties for a violation of a permanent or temporary protective order or restraining order or sanctions for a violation of a condition of pretrial release, condition of probation, or condition of parole based on the possession of a controlled substance in violation of § 5-64-419 if the penalties or sanctions are related to the seeking of medical assistance.

20-13-1605. Construction.

This subchapter does not limit:

(1) The admissibility of any evidence:

(A) In connection with the investigation or prosecution of a crime with regard to a person who does not meet the requirements of § 20-13-1604; or

(B) With regard to other crimes committed by a person that meets the requirements of § 20-13-1604;

(2) Any seizure of evidence or contraband otherwise permitted by law; or

(3) 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 § 20-13-1604.

/s/Rapert