

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 649

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO UNIFORM CONTROLLED SUBSTANCES; AMENDING CHAPTER 27, TITLE 37,
2 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-2739C, IDAHO CODE, TO
3 PROVIDE THAT CERTAIN PERSONS SEEKING OR NEEDING MEDICAL ASSISTANCE FOR
4 A DRUG-RELATED OVERDOSE SHALL NOT BE CHARGED OR PROSECUTED FOR CERTAIN
5 CRIMES AND TO PROVIDE THAT CERTAIN EVIDENCE SHALL NOT BE SUPPRESSED.
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7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Chapter 27, Title 37, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 37-2739C, Idaho Code, and to read as follows:

11 37-2739C. MEDICAL ASSISTANCE -- DRUG-RELATED OVERDOSE -- PROSECUTION
12 FOR POSSESSION. (1) A person acting in good faith who seeks medical assis-
13 tance for any person experiencing a drug-related medical emergency shall not
14 be charged or prosecuted for possession of a controlled substance pursuant
15 to section 37-2732(c) or (e), Idaho Code, for using or being under the influ-
16 ence of a controlled substance pursuant to section 37-2732C(a), Idaho Code,
17 or for using or possessing with intent to use drug paraphernalia pursuant to
18 section 37-2734A(1), Idaho Code, if the evidence for the charge of posses-
19 sion of or using or being under the influence of a controlled substance or us-
20 ing or possessing drug paraphernalia was obtained as a result of the person
21 seeking medical assistance.

22 (2) A person who experiences a drug-related medical emergency and is in
23 need of medical assistance shall not be charged or prosecuted for possession
24 of a controlled substance pursuant to section 37-2732(c) or (e), Idaho Code,
25 for using or being under the influence of a controlled substance pursuant to
26 section 37-2732C(a), Idaho Code, or for using or possessing with intent to
27 use drug paraphernalia pursuant to section 37-2734A(1), Idaho Code, if the
28 evidence for the charge of possession of or using or being under the influ-
29 ence of a controlled substance or using or possessing drug paraphernalia was
30 obtained as a result of the medical emergency and the need for medical assis-
31 tance.

32 (3) The protections in this section from prosecution shall not be
33 grounds for suppression of evidence in other criminal charges.