

South Carolina General Assembly
122nd Session, 2017-2018

A95, R125, S179

STATUS INFORMATION

General Bill

Sponsors: Senators Hutto and Hembree

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Companion/Similar bill(s): 3818

Introduced in the Senate on January 10, 2017

Introduced in the House on April 18, 2017

Last Amended on June 6, 2017

Passed by the General Assembly on June 6, 2017

Governor's Action: June 10, 2017, Signed

Summary: Drug or Alcohol-Related Overdose Medical Treatment

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
12/13/2016	Senate	Prefiled
12/13/2016	Senate	Referred to Committee on Medical Affairs
1/10/2017	Senate	Introduced and read first time (Senate Journal-page 95)
1/10/2017	Senate	Referred to Committee on Medical Affairs (Senate Journal-page 95)
3/7/2017	Senate	Committee report: Favorable with amendment Medical Affairs (Senate Journal-page 9)
3/8/2017		Scrivener's error corrected
3/9/2017	Senate	Committee Amendment Adopted (Senate Journal-page 24)
3/9/2017	Senate	Read second time (Senate Journal-page 24)
3/9/2017	Senate	Roll call Ayes-38 Nays-0 (Senate Journal-page 24)
4/6/2017	Senate	Read third time and sent to House (Senate Journal-page 113)
4/18/2017	House	Introduced and read first time (House Journal-page 6)
4/18/2017	House	Referred to Committee on Judiciary (House Journal-page 6)
5/3/2017	House	Committee report: Favorable with amendment Judiciary (House Journal-page 65)
5/9/2017	House	Amended (House Journal-page 82)
5/9/2017	House	Read second time (House Journal-page 82)
5/9/2017	House	Roll call Yeas-104 Nays-0 (House Journal-page 88)
5/10/2017	House	Read third time and returned to Senate with amendments (House Journal-page 19)
5/10/2017		Scrivener's error corrected
5/11/2017	Senate	Non-concurrence in House amendment (Senate Journal-page 113)
5/11/2017	Senate	Roll call Ayes-0 Nays-39 (Senate Journal-page 113)
5/11/2017	House	House insists upon amendment and conference committee appointed Reps. Fry, Bedingfield, Ridgeway (House Journal-page 16)
5/11/2017	Senate	Conference committee appointed Hutto, Hembree, Campbell (Senate Journal-page 115)
6/6/2017	House	Conference report received and adopted
6/6/2017	House	Roll call Yeas-106 Nays-0
6/6/2017	Senate	Conference report adopted (Senate Journal-page 10)
6/6/2017	Senate	Roll call Ayes-41 Nays-0 (Senate Journal-page 14)
6/6/2017	Senate	Ordered enrolled for ratification (Senate Journal-page 15)

6/6/2017	Ratified R 125
6/10/2017	Signed By Governor
6/21/2017	Effective date 6/10/17
6/22/2017	Act No. 95

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VERSIONS OF THIS BILL

[12/13/2016](#)

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(A95, R125, S179)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 19 TO CHAPTER 53, TITLE 44 SO AS TO PROVIDE LIMITED IMMUNITY FROM PROSECUTION FOR CERTAIN DRUG AND ALCOHOL-RELATED OFFENSES FOR A PERSON WHO SEEKS MEDICAL ASSISTANCE FOR ANOTHER PERSON WHO IS EXPERIENCING A DRUG OR ALCOHOL-RELATED OVERDOSE OR FOR A PERSON WHO IS EXPERIENCING A DRUG OR ALCOHOL-RELATED OVERDOSE AND SEEKS MEDICAL ASSISTANCE, TO ALLOW THE COURT TO CONSIDER AS A MITIGATING FACTOR IN PROCEEDINGS RELATED TO OTHER CRIMINAL OFFENSES WHETHER OR NOT MEDICAL ASSISTANCE WAS SOUGHT, TO LIMIT THE IMMUNITY TO ALLOW PROSECUTION OF A PERSON FOR OTHER CRIMES ARISING OUT OF THE DRUG OR ALCOHOL-RELATED OVERDOSE, TO ALLOW FOR ADMISSIBILITY OF CERTAIN EVIDENCE, TO PROVIDE CIVIL AND CRIMINAL IMMUNITY FOR LAW ENFORCEMENT OFFICERS RELATING TO CERTAIN ARRESTS IF THE OFFICER MADE THE ARREST BASED ON PROBABLE CAUSE, AND TO PROVIDE FOR OTHER PROCEDURAL AND RELATED PROVISIONS PERTAINING TO THE ABOVE.

Be it enacted by the General Assembly of the State of South Carolina:

Drug or alcohol-related overdoses, certain immunity when seeking medical treatment

SECTION 1. Chapter 53, Title 44 of the 1976 Code is amended by adding:

“Article 19

Drug or Alcohol-Related Overdose Medical Treatment

Section 44-53-1910. As used in this article:

(1) ‘Controlled substance’ has the same meaning as provided in Section 44-53-110.

(2) ‘Drug or alcohol-related overdose’ means an acute condition, including mania, hysteria, extreme physical illness, coma, or death

resulting from the consumption or use of a controlled substance, alcohol, or another substance with which a controlled substance or alcohol was combined, that a layperson would reasonably believe to be a drug or alcohol overdose that requires medical assistance.

(3) 'Seeks medical assistance' means seeking medical assistance by contacting the 911 system, a law enforcement officer, or emergency services personnel.

Section 44-53-1920. (A) A person who seeks medical assistance for another person who appears to be experiencing a drug or alcohol-related overdose may not be prosecuted for any of the offenses listed in subsection (B), if the evidence for prosecution was obtained as a result of the person seeking medical assistance for the apparent overdose on the premises or immediately after seeking medical assistance and the person:

(1) acted in good faith when seeking medical assistance, upon a reasonable belief that he was the first person to call for assistance;

(2) provided his own name to the 911 system or to a law enforcement officer upon arrival; and

(3) did not seek medical assistance during the course of the execution of an arrest warrant, search warrant, or other lawful search.

(B) A person who seeks medical assistance for another person in accordance with the requirements of subsection (A) may not be prosecuted for:

(1) dispensing or delivering a controlled substance in violation of Section 44-53-370(a), when the controlled substance is dispensed or delivered directly to the person who appears to be experiencing a drug-related overdose;

(2) possessing a controlled substance in violation of Section 44-53-370(c);

(3) possessing less than one gram of methamphetamine or cocaine base in violation of Section 44-53-375(A);

(4) dispensing or delivering methamphetamine or cocaine base in violation of Section 44-53-375(B), when the methamphetamine or cocaine base is dispensed or delivered directly to the person who appears to be experiencing a drug-related overdose;

(5) possessing paraphernalia in violation of Section 44-53-391;

(6) selling or delivering paraphernalia in violation of Section 44-53-391, when the sale or delivery is to the person who appears to be experiencing a drug-related overdose;

(7) purchasing, attempting to purchase, consuming, or knowingly possessing alcoholic beverages in violation of Section 63-19-2440;

(8) transferring or giving to a person under the age of twenty-one years for consumption beer or wine in violation of Section 61-4-90; or

(9) contributing to the delinquency of a minor in violation of Section 16-17-490.

(C) If the person seeking medical assistance pursuant to this section previously has sought medical assistance for another person pursuant to this article, the court may consider the circumstances of the prior incidents and the related offenses to determine whether to grant the person immunity from prosecution.

(D) A person described in this section must use his or her own name when contacting authorities, fully cooperate with law enforcement and medical personnel, and must remain with the individual needing medical assistance until help arrives.

Section 44-53-1930. (A) A person who experiences a drug or alcohol-related overdose and is in need of medical assistance may not be prosecuted for any of the offenses listed in Section 44-53-1920 if the evidence for prosecution was obtained as a result of the drug or alcohol-related overdose and need for medical assistance.

(B) A person described in Section 44-53-1920 must use his or her own name when contacting authorities, and fully cooperate with law enforcement and medical personnel.

Section 44-53-1940. The court may consider a person's decision to seek medical assistance pursuant to Section 44-53-1920(A) or 44-53-1930 as a mitigating factor in a criminal prosecution or sentencing for a drug or alcohol-related offense that is not an offense listed in Section 44-53-1920(B).

Section 44-53-1950. This article does not prohibit a person from being arrested, charged, or prosecuted, or from having his supervision status modified or revoked, based on an offense other than an offense listed in Section 44-53-1920(B), whether or not the offense arises from the same circumstances for which the person sought medical assistance.

Section 44-53-1960. Nothing in this section may be construed to:

(1) 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 Section 44-53-1920(A) or with regard to other crimes committed by a person who otherwise qualifies for protection pursuant to Section 44-53-1920(A) or Section 44-53-1930;

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

(3) 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 effect an arrest for any offense, except as provided in Section 44-53-1920(A) or Section 44-53-1930.

Section 44-53-1970. A law enforcement officer who arrests a person for an offense listed in Section 44-53-1920(B) is not subject to criminal prosecution, or civil liability, for false arrest or false imprisonment if the officer made the arrest based on probable cause.”

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 6th day of June, 2017.

Approved the 10th day of June, 2017.
