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Date: (Filing No. S-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
SENATE
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 661, L.D. 1862, “An Act To Strengthen Maine’s Good Samaritan Laws Concerning Drug-related Medical Assistance”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 17-A MRSA §1111-B, as amended by PL 2021, c. 299, Pt. C, §1 and c. 434, §8, is repealed and the following enacted in its place:

§1111-B. Exemption from criminal liability for seeking medical assistance, rendering aid and administering naloxone hydrochloride for suspected drug-related medical emergency

A person who in good faith seeks medical assistance for, renders aid to or administers naloxone hydrochloride to another person experiencing a suspected drug-related overdose or who is experiencing a drug-related overdose and is in need of medical assistance may not be arrested or prosecuted for a violation of section 1107-A, 1108 or 1111-A or a violation of probation as authorized by chapter 67, subchapter 1 if the grounds for arrest or prosecution are obtained as a result of the person's seeking medical assistance, rendering aid, administering naloxone hydrochloride or experiencing a drug-related overdose. For the purposes of this section, "rendering aid" includes, but is not limited to, giving first aid or looking after the person who is experiencing the overdose until medical help arrives.

A criminal defendant may move that the court prior to trial determine whether the defendant is immune from prosecution pursuant to this section. The burden of proof is that of an affirmative defense as provided in section 101, subsection 2. The court may hear testimony and shall make factual and legal findings as necessary to determine immunity.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

COMMITTEE AMENDMENT

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SUMMARY

This amendment, which is the majority report of the committee, replaces the bill. The amendment broadens the law that grants immunity from arrest and prosecution in the event of a drug overdose from its current scope of protecting the person who called for help and the person experiencing the overdose so that it will also protect a person rendering aid to the person who is experiencing the suspected overdose. The amendment also provides a procedure for the court to determine immunity pretrial and provides that the burden of proof of immunity is that of an affirmative defense. The amendment authorizes the court to hear testimony and requires the court to make factual and legal findings as necessary to determine immunity.

FISCAL NOTE REQUIRED
(See attached)