

1                   A bill to be entitled  
2           An act relating to alcohol or drug overdose  
3           prosecutions; creating s. 562.112, F.S.; prohibiting  
4           the arrest, charge, prosecution, or penalization under  
5           specified provisions of a person acting in good faith  
6           who seeks medical assistance for an individual  
7           experiencing, or believed to be experiencing, an  
8           alcohol-related overdose; providing requirements for  
9           that person; prohibiting the arrest, charge,  
10          prosecution, or penalization under specified  
11          provisions of a person who experiences, or has a good  
12          faith belief that he or she is experiencing, an  
13          alcohol-related overdose; prohibiting the protection  
14          from arrest, charge, prosecution, or penalization for  
15          certain offenses from being grounds for suppression of  
16          evidence in other criminal prosecutions; amending s.  
17          893.21, F.S.; prohibiting the arrest, charging,  
18          prosecution, or penalizing under specified provisions  
19          of law of a person acting in good faith who seeks  
20          medical assistance for an individual experiencing, or  
21          believed to be experiencing, an alcohol or a drug-  
22          related overdose; prohibiting the arrest, charging,  
23          prosecution, or penalizing under specified provisions  
24          of a person who experiences, or has a good faith  
25          belief that he or she is experiencing, an alcohol or a

26 drug-related overdose; prohibiting a person from being  
27 penalized for a violation of a condition of certain  
28 programs if that person in good faith seeks medical  
29 assistance for himself or herself or an individual  
30 experiencing, or believed to be experiencing, an  
31 alcohol or a drug-related overdose; prohibiting the  
32 protection from arrest, charge, and prosecution for  
33 certain offenses from being grounds for suppression of  
34 evidence in other criminal prosecutions; providing an  
35 effective date.

36  
37 Be It Enacted by the Legislature of the State of Florida:

38  
39 Section 1. Section 562.112, Florida Statutes, is created  
40 to read:

41 562.112 Alcohol-related overdoses; medical assistance;  
42 immunity from arrest, charge, prosecution, and penalization.—

43 (1) A person who gives alcohol to an individual under 21  
44 years of age and who, acting in good faith, seeks medical  
45 assistance for the individual experiencing, or believed to be  
46 experiencing, an alcohol-related overdose may not be arrested,  
47 charged, prosecuted, or penalized for a violation of s. 562.11  
48 or s. 562.111 if the evidence for such offense was obtained as a  
49 result of the person's seeking medical assistance. The person  
50 must remain at the scene until emergency medical services

51 personnel arrive and must cooperate with the emergency medical  
52 services personnel and law enforcement officers at the scene.

53 (2) A person who experiences, or has a good faith belief  
54 that he or she is experiencing, an alcohol-related overdose and  
55 is in need of medical assistance may not be arrested, charged,  
56 prosecuted, or penalized for a violation of s. 562.111 if the  
57 evidence for such offense was obtained as a result of the  
58 person's seeking medical assistance.

59 (3) Protection under this section from arrest, charge,  
60 prosecution, or penalization for an offense listed in this  
61 section may not be grounds for suppression of evidence in other  
62 criminal prosecutions.

63 Section 2. Section 893.21, Florida Statutes, is amended to  
64 read:

65 893.21 Alcohol or drug-related overdoses; medical  
66 assistance; immunity from arrest, charge, prosecution, and  
67 penalization.—

68 (1) A person acting in good faith who seeks medical  
69 assistance for an individual experiencing, or believed to be  
70 experiencing, an alcohol or a drug-related overdose may not be  
71 arrested, charged, prosecuted, or penalized pursuant to this  
72 chapter for a violation of s. 893.147(1) or s. 893.13(6),  
73 excluding paragraph (c), possession of a controlled substance if  
74 the evidence for such offense ~~possession of a controlled~~  
75 ~~substance~~ was obtained as a result of the person's seeking

76 | medical assistance.

77 |       (2) A person who experiences, or has a good faith belief  
78 | that he or she is experiencing, an alcohol or a drug-related  
79 | overdose and is in need of medical assistance may not be  
80 | arrested, charged, prosecuted, or penalized pursuant to this  
81 | ~~chapter~~ for a violation of s. 893.147(1) or s. 893.13(6),  
82 | excluding paragraph (c), possession of a controlled substance if  
83 | the evidence for such offense ~~possession of a controlled~~  
84 | ~~substance~~ was obtained as a result of the person's seeking the  
85 | ~~overdose and the need for~~ medical assistance.

86 |       (3) A person who experiences, or has a good faith belief  
87 | that he or she is experiencing, an alcohol or a drug-related  
88 | overdose and receives medical assistance, or a person acting in  
89 | good faith who seeks medical assistance for an individual  
90 | experiencing, or believed to be experiencing, an alcohol or a  
91 | drug-related overdose, may not be penalized for a violation of a  
92 | condition of pretrial release, probation, or parole if the  
93 | evidence for such violation was obtained as a result of the  
94 | person's seeking medical assistance.

95 |       (4)~~(3)~~ Protection in this section from arrest, charge,  
96 | prosecution, or penalization for an offense listed in this  
97 | section ~~possession offenses under this chapter~~ may not be  
98 | grounds for suppression of evidence in other criminal  
99 | prosecutions.

100 |       Section 3. This act shall take effect July 1, 2019.