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HOUSE BILL NO. 2435
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Public Safety
on)
(Patron Prior to Substitute—Delegate Webert)

A BILL to amend and reenact § 18.2-251.03 of the Code of Virginia, relating to arrest and prosecution when experiencing or reporting overdose; investigation; notification to prescriber.

on _____)

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-251.03 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-251.03. Arrest and prosecution when experiencing or reporting overdoses.

A. For purposes of this section, "overdose" means a life-threatening condition resulting from the consumption or use of a controlled substance, alcohol, or any combination of such substances.

B. No individual shall be subject to arrest or prosecution for the unlawful purchase, possession, or consumption of alcohol pursuant to § 4.1-305, unlawful purchase, possession, or consumption of marijuana pursuant to § 4.1-1105.1, possession of a controlled substance pursuant to § 18.2-250, intoxication in public pursuant to § 18.2-388, or possession of controlled paraphernalia pursuant to § 54.1-3466 if:

1. Such individual (i) in good faith, seeks or obtains emergency medical attention (a) for himself, if he is experiencing an overdose, or (b) for another individual, if such other individual is experiencing an overdose; (ii) is experiencing an overdose and another individual, in good faith, seeks or obtains emergency medical attention for such individual, by contemporaneously reporting such overdose to a firefighter, as defined in § 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, a law-enforcement officer, as defined in § 9.1-101, or an emergency 911 system; or (iii) in good faith, renders emergency care or assistance, including cardiopulmonary resuscitation (CPR) or the administration of naloxone or other opioid antagonist for overdose reversal, to an individual experiencing an overdose while another individual seeks or obtains emergency medical attention in accordance with this subdivision;

2. Such individual remains at the scene of the overdose or at any alternative location to which he or the person requiring emergency medical attention has been transported until a law-enforcement officer responds to the report of an overdose. If no law-enforcement officer is present at the scene of the overdose or at the alternative location, then such individual shall cooperate with law enforcement as otherwise set forth herein;

31 3. Such individual identifies himself to the law-enforcement officer who responds to the report of the
32 overdose; and

33 4. The evidence for the prosecution of an offense enumerated in this subsection was obtained as a result of
34 the individual seeking or obtaining emergency medical attention or rendering emergency care or assistance.

35 C. The provisions of this section shall not apply to any person who seeks or obtains emergency medical
36 attention for himself or another individual, to a person experiencing an overdose when another individual
37 seeks or obtains emergency medical attention for him, or to a person who renders emergency care or
38 assistance to an individual experiencing an overdose while another person seeks or obtains emergency
39 medical attention during the execution of a search warrant or during the conduct of a lawful search or a
40 lawful arrest.

41 D. This section does not establish protection from arrest or prosecution for any individual or offense other
42 than those listed in subsection B.

43 E. No law-enforcement officer acting in good faith shall be found liable for false arrest if it is later
44 determined that the person arrested was immune from prosecution under this section.

45 *F. If prescriber information is readily available, a law-enforcement officer responding to or investigating*
46 *an overdose shall notify such prescriber of any controlled substance found to be in the possession of or*
47 *believed to have been ingested by the victim that such prescription was involved in an overdose. No notice to*
48 *a prescriber pursuant to this section shall be required if such notification may jeopardize an active*
49 *law-enforcement investigation. No law-enforcement officer acting in good faith shall be liable for a violation*
50 *of the provisions of this subsection for failure to notify a prescriber.*