



GOV. MSG. NO. 1318

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

July 7, 2015

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Eighth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Eighth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on July 7, 2015, the following bill was signed into law:

SB982 SD1 HD2

RELATING TO MEDICAL AMNESTY  
**ACT 217 (15)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

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SENATE  
OFFICE OF THE PRESIDENT

'15 JUL -7 P3:52

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RECEIVED  
THE SENATE  
CLERK'S OFFICE  
STATE OF HAWAII

# A BILL FOR AN ACT

RELATING TO MEDICAL AMNESTY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. The legislature finds that Good Samaritan  
 2 policies, also known as medical amnesty, are life-saving  
 3 measures that are in the best interest of the public's health,  
 4 safety, and welfare. These policies enable people to make  
 5 responsible decisions by protecting them from punishment when  
 6 they seek medical attention during an emergency involving  
 7 alcohol or controlled substances.

8 The legislature also finds that the threat of criminal  
 9 punishment may often cause people to hesitate from taking  
 10 necessary action in such emergency situations. Time spent  
 11 worrying about legal consequences delays the arrival of  
 12 critically needed medical assistance. Even a short delay can  
 13 mean the difference between life and death.

14 The legislature further finds that overdoses nationwide  
 15 more than doubled between 2000 and 2006. Nationally, and in  
 16 Hawaii, more people die from drug overdose than in car  
 17 accidents. Drug overdoses have increased greatly in Hawaii,



1 becoming the leading cause of injury-related mortality over the  
2 2007-2012 period, as described by death certificates. Fatal  
3 drug poisonings in Hawaii have increased from eighty-three  
4 deaths in 1999 to one hundred eighty-three in 2011, with non-  
5 fatal poisonings increasing to a high of 4,714 in 2011 alone.

6 The legislature further finds that a report from Trust for  
7 America's Health titled "Prescription Drug Abuse: Strategies to  
8 Stop the Epidemic" identified ten best practices for states to  
9 implement to curb prescription drug abuse. Hawaii has six of  
10 these promising strategies in place, and the adoption of Good  
11 Samaritan legislation would bring the number to seven. Such  
12 policies are already in place at more than two hundred forty  
13 colleges and universities across the United States and have been  
14 enacted as state law in twenty states, including Alaska,  
15 California, Colorado, Florida, New York, Utah, and Washington.

16 The legislature further finds that, if criminal punishment  
17 is intended to deter drug abuse, it is clearly too late to deter  
18 such abuse when a person is already suffering from an overdose.  
19 Good Samaritan policies should not be perceived as a "get out of  
20 jail free card" or a reward for illegal drug use. Rather, they



1 enable individuals to make potentially life-saving decisions  
2 promptly and without hesitation.

3 The purpose of this Act is to provide limited immunity from  
4 liquor, controlled substance, and drug paraphernalia possession  
5 charges when a person calls for medical assistance during an  
6 alcohol or drug-related overdose emergency.

7 SECTION 2. Chapter 329, Hawaii Revised Statutes, is  
8 amended by adding a new section to be appropriately designated  
9 and to read as follows:

10 "§329- Overdose prevention; limited immunity. (a) As  
11 used in this section:

12 "Drug or alcohol overdose" means:

- 13 (1) A condition, including but not limited to extreme  
14 physical illness, decreased level of consciousness,  
15 respiratory depression, coma, mania, or death, that is  
16 the result of consumption or use of a controlled  
17 substance or alcohol or a substance with which the  
18 controlled substance or alcohol was combined; or  
19 (2) A condition that a layperson would reasonably believe  
20 to be a drug or alcohol overdose that requires medical  
21 assistance.



1       "Seeks medical assistance" or "seeking medical assistance"  
2 includes but is not limited to reporting a drug or alcohol  
3 overdose to law enforcement, the 911 system, a poison control  
4 center, or a medical provider; assisting someone so reporting;  
5 or providing care to someone who is experiencing a drug or  
6 alcohol overdose while awaiting the arrival of medical  
7 assistance.

8       (b) A person or persons who, in good faith, seek medical  
9 assistance for someone who is experiencing a drug or alcohol  
10 overdose and a person experiencing a drug or alcohol overdose  
11 who seeks medical assistance for the person's self or is the  
12 subject of such a good faith request shall not be arrested,  
13 charged, prosecuted, or convicted; have their property subject  
14 to civil forfeiture; or otherwise be penalized for:

- 15       (1) Possession of a controlled substance or drug  
16       paraphernalia under this chapter or part IV of chapter  
17       712;  
18       (2) Committing a prohibited act under section 281-101.5 or  
19       712-1250.5;  
20       (3) Violation of a restraining order; or  
21       (4) Violation of probation or parole;



1 if the evidence for the arrest, charge, prosecution, conviction,  
2 seizure, or penalty was gained as a result of the seeking of  
3 medical assistance.

4 (c) The act of seeking medical assistance for someone who  
5 is experiencing a drug or alcohol overdose shall be considered  
6 by the court as a mitigating factor in any controlled substance  
7 or alcohol-related criminal prosecution for which immunity is  
8 not provided by this section."

9 SECTION 3. This Act does not affect rights and duties that  
10 matured, penalties that were incurred, and proceedings that were  
11 begun before its effective date.

12 SECTION 4. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval.

APPROVED this 7 day of JUL , 2015



GOVERNOR OF THE STATE OF HAWAII