

Amendment No. 1 to HB1001

Curcio
Signature of Sponsor

AMEND Senate Bill No. 465*

House Bill No. 1001

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-1-156, is amended by deleting the section and substituting instead the following:

(a) As used in this section:

(1) "Controlled substance" means a drug, substance, or immediate precursor identified, defined, or listed in title 39, chapter 17, part 4 and title 53, chapter 11;

(2) "Drug or alcohol overdose" means an acute condition, including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, mania, or death, resulting from the consumption or use of alcohol or a controlled substance, or other substance inhaled, ingested, injected, or otherwise introduced into the body by the distressed individual that a reasonable person would believe to be resulting from the consumption or use of alcohol or a controlled substance or other substance by the distressed individual;

(3) "Drug or alcohol violation" means:

(A) A violation of § 1-3-113(b);

(B) A violation of § 39-17-310;

(C) A violation of § 39-17-418;

(D) A violation of § 39-17-425;

(E) A violation of § 57-3-412; or

(F) A violation of § 57-5-301;

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(4) "Medical assistance" means aid provided to a person by a healthcare professional licensed, registered, or certified under the laws of this state who, acting within the person's lawful scope of practice, may provide diagnosis, treatment, or emergency medical services; and

(5) "Seeks medical assistance" means:

(A) Accesses or assists in accessing medical assistance or the 911 system;

(B) Contacts or assists in contacting law enforcement or a poison control center; or

(C) Provides care or contacts or assists in contacting any person or entity to provide care while awaiting the arrival of medical assistance to aid a person who is experiencing or believed to be experiencing a drug or alcohol overdose.

(b) Any person who in good faith seeks medical assistance for a person experiencing or believed to be experiencing a drug or alcohol overdose is not subject to arrest, charge, or prosecution for a drug or alcohol violation if the evidence for the arrest, charge, or prosecution of the drug or alcohol violation results from seeking the medical assistance. Any person who is experiencing a drug or alcohol overdose and who in good faith seeks medical assistance for or is the subject of a request for medical assistance is not subject to arrest, charge, or prosecution for a drug or alcohol violation if the evidence for the arrest, charge, or prosecution of the drug or alcohol violation results

from seeking the medical assistance. Any such person is also not subject to the following, if related to the seeking of medical assistance:

(1) Penalties for a violation of a permanent or temporary protective order or restraining order; or

(2) Sanctions for a violation of a condition of pretrial release, condition of probation, or condition of parole based on a drug or alcohol violation.

(c)

(1) The act of providing first aid or other medical assistance to someone who is experiencing a drug or alcohol overdose may be used as a mitigating factor in a criminal prosecution for which immunity, set out in subsection (b), is not provided.

(2) Nothing in this section limits 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 subsection (b) or with regard to other crimes committed by a person who otherwise qualifies for the protections of subsection (b).

(3) Nothing in this section limits any seizure of evidence or contraband otherwise permitted by law.

(4) Nothing in this section limits or abridges the authority of a law enforcement officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in subsection (b).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and applies to conduct occurring on or after that date.