

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 710

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H.P. 486

House of Representatives, March 5, 2015

### **An Act Providing a Good Samaritan Defense to Individuals Reporting a Drug Overdose**

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative DION of Portland.  
Cosponsored by Senator GERZOFSKY of Cumberland and  
Representatives: BATES of Westbrook, CHENETTE of Saco, CHIPMAN of Portland,  
GATTINE of Westbrook, GIDEON of Freeport, GRANT of Gardiner, NADEAU of Winslow.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 17-A MRSA §1107-A, sub-§6** is enacted to read:

3 **6. It is an affirmative defense to prosecution under this section that:**

4 **A. The evidence of possession was obtained as a result of the person's seeking, in**  
5 **good faith, medical assistance for someone experiencing a drug-related overdose; or**

6 **B. The evidence of possession was obtained as a result of the person's seeking or**  
7 **obtaining medical assistance for a drug-related overdose the person is experiencing.**

8 **The assertion of an affirmative defense under this subsection is not grounds for**  
9 **suppression of evidence with respect to any crime.**

10 **SUMMARY**

11 This bill creates an affirmative defense to prosecution for unlawful possession of a  
12 scheduled drug. The bill specifies that it is an affirmative defense to prosecution that the  
13 evidence of possession was obtained as a result of the person's seeking, in good faith,  
14 medical assistance for someone experiencing a drug-related overdose or the evidence of  
15 possession was obtained as a result of the person's seeking or obtaining medical  
16 assistance for a drug-related overdose the person is experiencing. The bill also specifies  
17 that the affirmative defense is not grounds for suppression of evidence with respect to any  
18 crime.