

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 92

S.P. 40

In Senate, January 17, 2017

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**An Act To Require a Person Who Provides Illegal Drugs To Give  
Medical Aid to Another Person in Medical Distress Due to That  
Illegal Drug Transaction**

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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 "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator CYRWAY of Kennebec.  
Cosponsored by Representative ALLEY of Beals and  
Senators: CHENETTE of York, DAVIS of Piscataquis, DESCHAMBAULT of York, DOW of  
Lincoln, KEIM of Oxford, MAKER of Washington, President THIBODEAU of Waldo,  
Representative: HANINGTON of Lincoln.

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

2 **Sec. 1. 17-A MRSA §1125** is enacted to read:

3 **§1125. Duty to provide aid to impaired person in medical distress**

4 1. As used in this section, unless the context otherwise indicates, the following terms  
5 have the following meanings.

6 A. "Illegal substance" means a scheduled drug or any substance the provision of  
7 which to another person subjects the person providing the scheduled drug or other  
8 substance to a criminal penalty under the laws of this State or federal law.

9 B. "In medical distress" means injured, ill or emotionally distraught and in need of  
10 emergency aid in order to avoid serious harm or death.

11 C. "Provide" means to sell, barter, trade, exchange or furnish.

12 2. A person who provides to another person an illegal substance that subsequently  
13 causes that other person to be in medical distress shall:

14 A. Render first aid and assistance as that person is capable of rendering under the  
15 circumstances; and

16 B. Seek and obtain assistance from a medical professional, first responder or law  
17 enforcement officer.

18 3. Notwithstanding any law to the contrary, a person who provides first aid and  
19 assistance to an individual in medical distress pursuant to subsection 2 is not civilly liable  
20 for damages sustained by the individual or the death of that individual resulting from an  
21 act performed by that person in rendering aid or assistance as long as the act was not  
22 gross negligence. This subsection may not be construed to exempt or excuse the person's  
23 criminal conduct.

24 4. A person who violates subsection 2 commits a Class C crime.

25 **SUMMARY**

26 This bill requires a person who provides an illegal substance to an individual that  
27 causes that individual serious or life-threatening medical distress to provide first aid and  
28 assistance to that individual and seek assistance from a medical professional, first  
29 responder or law enforcement officer. A person who renders first aid is not civilly liable  
30 for damages or death caused as a result of rendering that aid unless it is done in a grossly  
31 negligent manner. Criminal liability is not waived.

32 Failure to provide first aid and assistance is a Class C crime.