

## CHAPTER 2019-81

### Committee Substitute for Committee Substitute for House Bill No. 595

An act relating to alcohol or drug overdose prosecutions; creating s. 562.112, F.S.; prohibiting the arrest, charge, prosecution, or penalization under specified provisions of a person acting in good faith who seeks medical assistance for an individual experiencing, or believed to be experiencing, an alcohol-related or a drug-related overdose; providing requirements for that person; prohibiting the arrest, charge, prosecution, or penalization under specified provisions of a person who experiences, or has a good faith belief that he or she is experiencing, an alcohol-related or a drug-related overdose; prohibiting the protection from arrest, charge, prosecution, or penalization for certain offenses from being grounds for suppression of evidence in other criminal prosecutions; amending s. 893.21, F.S.; prohibiting the arrest, charging, prosecution, or penalizing under specified provisions of law of a person acting in good faith who seeks medical assistance for an individual experiencing, or believed to be experiencing, an alcohol-related or a drug-related overdose; prohibiting the arrest, charging, prosecution, or penalizing under specified provisions of a person who experiences, or has a good faith belief that he or she is experiencing, an alcohol-related or a drug-related overdose; prohibiting a person from being penalized for a violation of a condition of certain programs if that person in good faith seeks medical assistance for himself or herself or an individual experiencing, or believed to be experiencing, an alcohol-related or a drug-related overdose; prohibiting the protection from arrest, charge, and prosecution for certain offenses from being grounds for suppression of evidence in other criminal prosecutions; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 562.112, Florida Statutes, is created to read:

562.112 Alcohol-related or drug-related overdoses; medical assistance; immunity from arrest, charge, prosecution, and penalization.—

(1) A person who gives alcohol to an individual under 21 years of age and who, acting in good faith, seeks medical assistance for the individual experiencing, or believed to be experiencing, an alcohol-related or a drug-related overdose may not be arrested, charged, prosecuted, or penalized for a violation of s. 562.11 or s. 562.111 if the evidence for such offense was obtained as a result of the person's seeking medical assistance. The person must remain at the scene until emergency medical services personnel arrive and must cooperate with the emergency medical services personnel and law enforcement officers at the scene.

(2) A person who experiences, or has a good faith belief that he or she is experiencing, an alcohol-related or a drug-related overdose and is in need of

medical assistance may not be arrested, charged, prosecuted, or penalized for a violation of s. 562.11 or s. 562.111 if the evidence for such offense was obtained as a result of the person's seeking medical assistance.

(3) Protection under this section from arrest, charge, prosecution, or penalization for an offense listed in this section may not be grounds for suppression of evidence in other criminal prosecutions.

Section 2. Section 893.21, Florida Statutes, is amended to read:

893.21 Alcohol-related or drug-related overdoses; medical assistance; immunity from arrest, charge, prosecution, and penalization.—

(1) A person acting in good faith who seeks medical assistance for an individual experiencing, or believed to be experiencing, an alcohol-related or a drug-related overdose may not be arrested, charged, prosecuted, or penalized pursuant to this chapter for a violation of s. 893.147(1) or s. 893.13(6), excluding paragraph (c), possession of a controlled substance if the evidence for such offense possession of a controlled substance was obtained as a result of the person's seeking medical assistance.

(2) A person who experiences, or has a good faith belief that he or she is experiencing, an alcohol-related or a drug-related overdose and is in need of medical assistance may not be arrested, charged, prosecuted, or penalized pursuant to this chapter for a violation of s. 893.147(1) or s. 893.13(6), excluding paragraph (c), possession of a controlled substance if the evidence for such offense possession of a controlled substance was obtained as a result of the person's seeking the overdose and the need for medical assistance.

(3) A person who experiences, or has a good faith belief that he or she is experiencing, an alcohol-related or a drug-related overdose and receives medical assistance, or a person acting in good faith who seeks medical assistance for an individual experiencing, or believed to be experiencing, an alcohol-related or a drug-related overdose, may not be penalized for a violation of a condition of pretrial release, probation, or parole if the evidence for such violation was obtained as a result of the person's seeking medical assistance.

(4)(3) Protection in this section from arrest, charge, prosecution, or penalization for an offense listed in this section possession offenses under this chapter may not be grounds for suppression of evidence in other criminal prosecutions.

Section 3. This act shall take effect July 1, 2019.

Approved by the Governor June 7, 2019.

Filed in Office Secretary of State June 7, 2019.