

# HOUSE BILL 1273

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By: **Delegates Valderrama, Anderson, Barnes, Carter, Conaway, Dumais, Gutierrez, Kramer, Lee, Ramirez, Rosenberg, Schuler, and Vallario**  
Introduced and read first time: February 13, 2009  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Limited Immunity – Seeking Medical Assistance for Alcohol**  
3 **or Drug-Related Overdose**

4 FOR the purpose of providing that a certain person who seeks medical assistance for a  
5 person experiencing an alcohol or a drug-related overdose may not be charged  
6 with or prosecuted for a certain crime under certain circumstances; providing  
7 that a certain person who seeks medical assistance for a person experiencing an  
8 alcohol or a drug-related overdose may not be detained on a certain warrant  
9 under certain circumstances; providing that a person who seeks medical  
10 assistance for a person experiencing an alcohol or a drug-related overdose may  
11 not be required to provide personal identifying information except for a certain  
12 purpose of assisting in certain medical treatment; creating a certain exception;  
13 providing that a certain person experiencing an alcohol or a drug-related  
14 overdose may not be charged with or prosecuted for a certain crime under  
15 certain circumstances; providing that a certain person experiencing an alcohol  
16 or a drug-related overdose may not be detained on a certain warrant under  
17 certain circumstances; providing that the act of seeking medical assistance for a  
18 certain person may be used as a mitigating factor in a certain criminal  
19 prosecution; and generally relating to limited immunity for seeking medical  
20 assistance for an alcohol or a drug-related overdose.

21 BY adding to  
22 Article – Criminal Law  
23 Section 5-601.1  
24 Annotated Code of Maryland  
25 (2002 Volume and 2008 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
27 MARYLAND, That the Laws of Maryland read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



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**Article – Criminal Law**2 **5-601.1.**

3 (A) (1) A PERSON WHO, IN GOOD FAITH, SEEKS MEDICAL ASSISTANCE  
4 FOR A PERSON EXPERIENCING AN ALCOHOL OR A DRUG-RELATED OVERDOSE  
5 MAY NOT BE:

6 (I) CHARGED WITH OR PROSECUTED FOR POSSESSION OF A  
7 CONTROLLED DANGEROUS SUBSTANCE UNDER § 5-601 OF THIS SUBTITLE IF  
8 THE EVIDENCE FOR THE CRIMINAL PROSECUTION WAS OBTAINED SOLELY AS A  
9 RESULT OF SEEKING MEDICAL ASSISTANCE;

10 (II) DETAINED ON AN OUTSTANDING WARRANT FOR  
11 ANOTHER NONVIOLENT CRIME IF THE SEEKING OF MEDICAL ASSISTANCE IS THE  
12 REASON FOR THE ENCOUNTER WITH LAW ENFORCEMENT; OR

13 (III) REQUIRED TO PROVIDE ANY PERSONAL IDENTIFYING  
14 INFORMATION FOR ANY PURPOSE OTHER THAN ASSISTING IN THE MEDICAL  
15 TREATMENT OF THE PERSON EXPERIENCING AN ALCOHOL OR A DRUG-RELATED  
16 OVERDOSE.

17 (2) THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO  
18 PROVIDED, SOLD, GAVE, OR EXCHANGED FOR OTHER GOODS OR SERVICES THE  
19 ALCOHOL OR DRUGS CAUSING THE OVERDOSE TO THE PERSON FOR WHOM  
20 MEDICAL ASSISTANCE IS SOUGHT.

21 (B) A PERSON WHO EXPERIENCES AN ALCOHOL OR A DRUG-RELATED  
22 OVERDOSE AND IS IN NEED OF MEDICAL ASSISTANCE MAY NOT BE:

23 (1) CHARGED WITH OR PROSECUTED FOR POSSESSION OF A  
24 CONTROLLED DANGEROUS SUBSTANCE UNDER § 5-601 OF THIS SUBTITLE IF  
25 THE EVIDENCE FOR THE CRIMINAL PROSECUTION WAS OBTAINED SOLELY AS A  
26 RESULT OF THE OVERDOSE AND THE SEEKING OF MEDICAL ASSISTANCE; AND

27 (2) DETAINED ON AN OUTSTANDING WARRANT FOR ANOTHER  
28 NONVIOLENT CRIME IF THE SEEKING OF MEDICAL ASSISTANCE IS THE REASON  
29 FOR THE ENCOUNTER WITH LAW ENFORCEMENT.

30 (C) THE ACT OF SEEKING MEDICAL ASSISTANCE FOR A PERSON WHO IS  
31 EXPERIENCING AN ALCOHOL OR A DRUG-RELATED OVERDOSE MAY BE USED AS  
32 A MITIGATING FACTOR IN A CRIMINAL PROSECUTION.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2    October 1, 2009.