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**SUBSTITUTE HOUSE BILL 1796**

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**State of Washington                      61st Legislature                      2009 Regular Session**

**By** House Public Safety & Emergency Preparedness (originally sponsored by Representatives Goodman, Green, and Ormsby)

READ FIRST TIME 02/20/09.

1            AN ACT Relating to drug-related overdose prevention and treatment;  
2 adding new sections to chapter 69.50 RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.**    The legislature intends to save lives by  
5 increasing timely medical attention to overdose victims through the  
6 establishment of limited immunity from prosecution for people who seek  
7 medical assistance in an overdose situation.    Drug overdose is the  
8 second leading cause of injury death in the United States, behind only  
9 motor vehicle accidents and ahead of firearms.    Overdose mortality  
10 rates have increased significantly since the 1990s, according to the  
11 centers for disease control and prevention, illegal and prescription  
12 drug overdoses killed more than thirty-three thousand people nationwide  
13 in 2005, the last year for which firm data are available.    The  
14 Washington state department of health reports that in 1999,  
15 unintentional drug poisoning was responsible for four hundred three  
16 deaths in this state; in 2006, the number had increased to seven  
17 hundred seven.    Many overdose fatalities occur because peers delay or  
18 forego calling 911 for fear of arrest or police involvement, which

1 researchers continually identify as the most significant barrier to the  
2 ideal first response of calling emergency services.

3 NEW SECTION. **Sec. 2.** (1) A person who believes he or she is  
4 witnessing a drug-related overdose and seeks medical assistance for the  
5 person experiencing the overdose shall not be subject to prosecution  
6 for a violation of this chapter, or have property that is not  
7 contraband seized or forfeited on the basis of a violation of this  
8 chapter, if the evidence of the violation was obtained as a result of  
9 seeking medical assistance.

10 (2) A person who experiences a drug-related overdose and receives  
11 medical assistance in connection therewith shall not be subject to  
12 prosecution for a violation of this chapter, or have property that is  
13 not contraband seized or forfeited on the basis of a violation of this  
14 chapter, if the evidence of the violation was obtained as a result of  
15 having received medical assistance.

16 (3) This section shall not apply to prosecutions brought pursuant  
17 to:

18 (a) RCW 69.50.415;

19 (b) RCW 69.50.401 for the manufacture of, or possession with the  
20 intent to manufacture, controlled substances; or

21 (c) RCW 69.50.401 for the delivery of, or possession with intent to  
22 deliver, controlled substances where the delivery was, or was intended  
23 to be, a sale for profit.

24 (4) A court may consider the act of seeking medical assistance for  
25 someone experiencing a drug-related overdose as a mitigating  
26 circumstance justifying an exceptional sentence below the standard  
27 range under RCW 9.94A.535(1).

28 (5) This statutory protection from prosecution for possession  
29 crimes under RCW 69.50.4013 shall not be grounds for suppression of  
30 evidence in other criminal charges.

31 NEW SECTION. **Sec. 3.** (1) The administering, dispensing,  
32 prescribing, purchasing, acquisition, possession, or use of naloxone  
33 shall not constitute unprofessional conduct under chapter 18.130 RCW,  
34 or be in violation with any provisions under this chapter or any other  
35 chapter of this state, by any practitioner or person, if the

1 unprofessional conduct or violation results from a good faith effort to  
2 assist:

3 (a) A person experiencing, or likely to experience, an  
4 opiate-related overdose; or

5 (b) A family member, friend, or other person in a position to  
6 assist a person experiencing, or likely to experience, an  
7 opiate-related overdose.

8 (2) Any person acting in good faith may receive a naloxone  
9 prescription, possess naloxone, and administer naloxone to an  
10 individual suffering from an apparent opiate-related overdose.

11 NEW SECTION. **Sec. 4.** Sections 2 and 3 of this act are each added  
12 to chapter 69.50 RCW.

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