

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: S2/12/15

A Bill

SENATE BILL 161

5 By: Senators J. Hutchinson, S. Flowers
6 By: Representative D. Whitaker
7

For An Act To Be Entitled

8
9 *TO PROVIDE AN AFFIRMATIVE DEFENSE TO CRIMINAL*
10 *PROSECUTION FOR POSSESSION OF ALCOHOL TO PERSONS*
11 *UNDER TWENTY-ONE YEARS OF AGE WHO ACT RESPONSIBLY*
12 *DURING A MEDICAL EMERGENCY; AND FOR OTHER PURPOSES.*
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Subtitle

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16 *TO PROVIDE AN AFFIRMATIVE DEFENSE TO*
17 *CRIMINAL PROSECUTION FOR POSSESSION OF*
18 *ALCOHOL TO PERSONS UNDER TWENTY-ONE YEARS*
19 *OF AGE WHO ACT RESPONSIBLY DURING A*
20 *MEDICAL EMERGENCY.*
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 3-3-203, concerning offenses and penalties
26 related to the purchase or possession of alcohol by persons under twenty-one
27 (21) years of age, is amended to add an additional subsection to read as
28 follows:

29 *(g)(1) It is an affirmative defense to prosecution under this section*
30 *if a person under twenty-one (21) years of age:*

31 *(A)(i) Requests emergency medical assistance in response*
32 *to a medical emergency of another person;*

33 *(ii) Remains at the scene of the medical emergency*
34 *until the emergency medical assistance arrives; and*

35 *(iii) Cooperates with emergency medical assistance*
36 *providers and law enforcement personnel during the medical emergency;*



1 (B) Is the recipient of emergency medical assistance
2 requested under this subsection; or

3 (C) Acts in concert with the person who requested
4 emergency medical assistance for another person under subdivision (g)(1)(A)
5 of this section and meets the requirements of subdivisions (g)(1)(B) and (C)
6 of this section.

7 (2) The affirmative defense under this subsection is not
8 available if the request for emergency medical assistance does not occur
9 until after law enforcement personnel have arrived at the scene of the
10 medical emergency.

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12 /s/J. Hutchinson
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