

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

A Bill

SENATE BILL 543

4
5 By: Senator Rapert

For An Act To Be Entitled

8 AN ACT TO CREATE THE JOSHUA ASHLEY-PAULEY ACT; TO
9 PROVIDE IMMUNITY FOR SEEKING MEDICAL ASSISTANCE
10 DURING A DRUG OVERDOSE; AND FOR OTHER PURPOSES.

Subtitle

14 TO CREATE THE JOSHUA ASHLEY-PAULEY ACT.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19 SECTION 1. Arkansas Code Title 20, Chapter 13, is amended to add an
20 additional subchapter to read as follows:

Subchapter 16 – Joshua Ashley-Pauley Act

20-13-1601. Title.

24 This subchapter shall be known and may be cited as the "Joshua Ashley-
25 Pauley Act".

20-13-1602. Legislative findings.

28 The General Assembly finds that:

29 (1) In the United States, drug overdose death rates more than
30 tripled since 1990;

31 (2) Every day in the United States, one hundred twenty (120)
32 people die as a result of a drug overdose while another six thousand seven
33 hundred forty-eight (6,748) are treated in emergency departments for the
34 misuse or abuse of drugs;

35 (3) Joshua Ashley-Pauley of Faulkner County died of a drug
36 overdose in May 2014;



1 (4) Those who were with him did not call 911 to seek medical
2 assistance, which could have saved Joshua Ashley-Pauley's life, because of a
3 fear of prosecution for the possession and use of illegal drugs;

4 (5) Overdose reporting legislation, medical amnesty legislation,
5 or 911 Good Samaritan laws have been enacted in fourteen (14) states,
6 including Louisiana, Oklahoma, and Tennessee, and are under consideration in
7 several other states;

8 (6) In North Carolina, it is believed that at least twenty (20)
9 lives have been saved since passage of similar legislation; and

10 (7) The State of Arkansas must take steps to combat the increase
11 of drug overdoses in the state and protect the health and safety of its
12 citizens.

13
14 20-13-1603. Definitions.

15 As used in this subchapter:

16 (1) "Drug overdose" means an acute condition resulting from, or
17 that a reasonable person would believe to be resulting from, the consumption
18 or use of alcohol, a controlled substance, or dangerous drug, or a
19 combination of alcohol, controlled substance, or dangerous drug by an
20 individual, causing signs including without limitation:

21 (A) Extreme physical illness;

22 (B) Decreased level of consciousness;

23 (C) Respiratory depression;

24 (D) Coma;

25 (E) Mania; or

26 (F) Death;

27 (2) "Emergency medical services" means:

28 (A) The transportation and medical care provided the ill
29 or injured by licensed emergency medical services personnel or other
30 healthcare providers before arrival at a medical facility; and

31 (B) Continuation of the initial emergency care within a
32 medical facility subject to the approval of the medical staff and governing
33 board of that facility;

34 (3) "Medical assistance" means aid provided to a person
35 experiencing or believed to be experiencing a drug overdose by a healthcare
36 provider acting within its scope of practice that may provide diagnosis,

1 treatment, or emergency medical services relative to the drug overdose; and
2 (4) "Seeks medical assistance" means accesses or assists in
3 accessing the 911 system or otherwise contacts or assists in contacting law
4 enforcement or a poison control center and provides care to a person
5 experiencing or believed to be experiencing a drug overdose.

6
7 20-13-1604. Immunity for seeking medical assistance.

8 (a) A person shall not be arrested, charged, or prosecuted for a drug-
9 related crime if the evidence for the arrest, charge, or prosecution of the
10 drug-related crime resulted solely from seeking medical assistance if:

11 (1) The person in good faith seeks medical assistance for
12 another person who is experiencing a drug overdose; or

13 (2) The person who is experiencing a drug overdose and in good
14 faith seeks medical assistance for himself or herself.

15 (b) A person shall not be subject to penalties for a violation of a
16 permanent or temporary protective order or restraining order or sanctions for
17 a violation of a condition of pretrial release, condition of probation, or
18 condition of parole based on the drug-related crime if the penalties or
19 sanctions are related to the seeking of medical assistance.

20
21 20-13-1605. Construction.

22 This subchapter does not limit:

23 (1) The admissibility of any evidence:

24 (A) In connection with the investigation or prosecution of
25 a crime with regard to a person who does not meet the requirements of § 20-
26 13-1604; or

27 (B) With regard to other crimes committed by a person that
28 meets the requirements of § 20-13-1604;

29 (2) Any seizure of evidence or contraband otherwise permitted by
30 law; or

31 (3) The authority of a law enforcement officer to detain or take
32 into custody a person in the course of an investigation or to effectuate an
33 arrest for any offense except as provided in § 20-13-1604.