

1 ENGROSSED HOUSE  
2 BILL NO. 2110

By: Pae and Waldron of the  
House

3 and

4 Rader of the Senate  
5

6  
7 [ public health and safety - emergency medical  
8 assistance and immunity from prosecution - immunity  
9 for rendering emergency medical assistance for drug  
10 or alcohol overdose - effective date ]  
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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 63 O.S. 2021, Section 2-413.1, is  
15 amended to read as follows:

16 Section 2-413.1 A. A peace officer shall not take a person  
17 into custody based solely on the commission of an offense ~~involving~~  
18 ~~a controlled dangerous substance~~ described in subsection B of this  
19 section if ~~the peace officer, after making a reasonable~~  
20 ~~determination and considering the facts and surrounding~~  
21 ~~circumstances, reasonably believes that all of the following apply:~~

22 1. ~~The peace officer has contact with the person because the~~  
23 ~~person requested emergency medical assistance for, or administered~~  
24 an opioid antagonist to, an individual, including himself or

1 herself, who reasonably appeared to be in need of medical assistance  
2 due to ~~the use of a controlled dangerous substance~~ a drug or alcohol  
3 overdose; and or

4 2. The person ~~+~~ was the subject of a request for emergency  
5 medical assistance or the administration of naloxone hydrochloride

6 a. ~~provided his or her full name and any other relevant~~  
7 ~~information requested by the peace officer,~~

8 b. ~~remained at the scene with the individual who~~  
9 ~~reasonably appeared to be in need of medical~~  
10 ~~assistance due to the use of a controlled dangerous~~  
11 ~~substance until emergency medical assistance arrived,~~  
12 ~~and~~

13 c. ~~cooperated with emergency medical assistance personnel~~  
14 ~~and peace officers at the scene.~~

15 B. A person who meets the criteria of subsection A of this  
16 section is immune from criminal prosecution for possession of a  
17 ~~Schedule I or Schedule II controlled dangerous substance, as listed~~  
18 ~~in Sections 2-204 and 2-206~~ prohibited by subsection A of Section 2-  
19 402 of Title 63 of the Oklahoma Statutes this title, ~~provided the~~  
20 ~~amount of such controlled dangerous substance does not constitute~~  
21 ~~trafficking, as provided in subsection C of Section 2-415 of Title~~  
22 ~~63 of the Oklahoma Statutes,~~ and for possession of drug  
23 paraphernalia associated with a controlled dangerous substance, as  
24 defined in paragraph 36 of Section 2-101 of ~~Title 63 of the Oklahoma~~

1 ~~Statutes this title. Further, a person is only immune from~~  
2 ~~prosecution for the aforementioned offenses if the offense involved~~  
3 ~~a state of intoxication caused by the use of a controlled dangerous~~  
4 ~~substance by a person or if the offense involved the person being or~~  
5 ~~becoming intoxicated as a result of the use of a controlled~~  
6 ~~dangerous substance by a person.~~

7 C. A person who meets the criteria of subsection A of this  
8 section shall not be subject to revocation of probation, pretrial  
9 release, or parole, or otherwise penalized, nor shall the person's  
10 property be subject to forfeiture, based solely on an offense  
11 described in subsection B of this section.

12 D. A person who meets the criteria of subsection A of this  
13 section shall not be arrested on an outstanding warrant for an  
14 offense described in subsection B of this section, or on an  
15 outstanding warrant for a violation of the conditions of the  
16 person's probation, pretrial release, or parole for conduct that  
17 would constitute an offense described in subsection B of this  
18 section, if the location of the person was obtained because the  
19 person requested emergency medical assistance or was the subject of  
20 a request for emergency medical assistance as described in  
21 subsection A of this section.

22 E. Notwithstanding any other law, the act of seeking emergency  
23 medical assistance for someone who is experiencing a drug or alcohol  
24 overdose shall be considered by the court as a mitigating factor in

1 any criminal prosecution for which immunity is not provided for by  
2 this section.

3 F. A person may not initiate or maintain ~~an~~ a civil action  
4 against a peace officer or the employing political subdivision of  
5 the peace officer based on the compliance or failure of the peace  
6 officer to comply with the provisions of this section.

7 ~~D.~~ G. For the purposes of this section~~7~~:

8 1. "~~peace~~ Peace officer" shall have the same meaning as defined  
9 in Section 99 of Title 21 of the Oklahoma Statutes;

10 2. "Drug or alcohol overdose" shall mean:

11 a. a condition, including but not limited to extreme  
12 physical illness, decreased level of consciousness,  
13 respiratory depression, coma, mania, or death, that is  
14 the result of consumption or use of a controlled  
15 substance or alcohol or a substance with which the  
16 controlled substance or alcohol was combined, or

17 b. a condition that a layperson would reasonably believe  
18 to be a drug or alcohol overdose; and

19 3. "Emergency medical assistance" shall include, but is not  
20 limited to, reporting a drug or alcohol overdose or other medical  
21 emergency to a peace officer, the 911 system, college or university  
22 official, a poison control center, or a medical provider; assisting  
23 someone so reporting; or providing care to someone who is

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1 experiencing a drug or alcohol overdose or other medical emergency  
2 while awaiting the arrival of medical assistance.

3 SECTION 2. This act shall become effective November 1, 2023.

4 Passed the House of Representatives the 22nd day of March, 2023.

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Presiding Officer of the House  
of Representatives

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9 Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2023.

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Presiding Officer of the Senate

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