



1 ~~determination and considering the facts and surrounding~~  
2 ~~circumstances, reasonably believes that all of the following apply:~~

3 1. ~~The peace officer has contact with the person because the~~  
4 ~~person requested emergency medical assistance for, or administered~~  
5 ~~naloxone hydrochloride to, an individual, including himself or~~  
6 ~~herself, who reasonably appeared to be in need of medical assistance~~  
7 ~~due to the use of a controlled dangerous substance a drug or alcohol~~  
8 ~~overdose; and or~~

9 2. ~~The person:~~ was the subject of a request for emergency  
10 medical assistance or the administration of naloxone hydrochloride

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

13 b. ~~remained at the scene with the individual who~~  
14 ~~reasonably appeared to be in need of medical~~  
15 ~~assistance due to the use of a controlled dangerous~~  
16 ~~substance until emergency medical assistance arrived,~~  
17 ~~and~~

18 c. ~~cooperated with emergency medical assistance personnel~~  
19 ~~and peace officers at the scene.~~

20 B. A person who meets the criteria of subsection A of this  
21 section is immune from criminal prosecution for possession of a  
22 ~~Schedule I or Schedule II~~ controlled dangerous substance, as listed  
23 ~~provided in Sections 2-204 and 2-206~~ prohibited by subsection A of  
24 Section 2-402 of Title 63 of the Oklahoma Statutes this title,

1 ~~provided the amount of such controlled dangerous substance does not~~  
2 ~~constitute trafficking, as provided in subsection C of Section 2-415~~  
3 ~~of Title 63 of the Oklahoma Statutes,~~ and for possession of drug  
4 paraphernalia associated with a controlled dangerous substance, as  
5 defined in paragraph 36 of Section 2-101 of ~~Title 63 of the Oklahoma~~  
6 ~~Statutes~~ this title. Further, ~~a person is only immune from~~  
7 ~~prosecution for the aforementioned offenses if the offense involved~~  
8 ~~a state of intoxication caused by the use of a controlled dangerous~~  
9 ~~substance by a person or if the offense involved the person being or~~  
10 ~~becoming intoxicated as a result of the use of a controlled~~  
11 ~~dangerous substance by a person.~~

12 C. A person who meets the criteria of subsection A of this  
13 section shall not be subject to revocation of probation, pretrial  
14 release, or parole, or otherwise penalized, nor shall the person's  
15 property be subject to forfeiture, based solely on an offense  
16 described in subsection B of this section.

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

1 a request for emergency medical assistance as described in  
2 subsection A of this section.

3 E. Notwithstanding any other law, the act of seeking emergency  
4 medical assistance for someone who is experiencing a drug or alcohol  
5 overdose shall be considered by the court as a mitigating factor in  
6 any criminal prosecution for which immunity is not provided for by  
7 this section.

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

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

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

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

16 a. a condition, including but not limited to extreme  
17 physical illness, decreased level of consciousness,  
18 respiratory depression, coma, mania, or death, that is  
19 the result of consumption or use of a controlled  
20 substance or alcohol or a substance with which the  
21 controlled substance or alcohol was combined, or

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

24

1       3. "Emergency medical assistance" shall include, but is not  
2 limited to, reporting a drug or alcohol overdose or other medical  
3 emergency to a peace officer, the 911 system, college or university  
4 official, a poison control center, or a medical provider; assisting  
5 someone so reporting; or providing care to someone who is  
6 experiencing a drug or alcohol overdose or other medical emergency  
7 while awaiting the arrival of medical assistance.

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

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10       COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated  
11       02/23/2023 - DO PASS, As Coauthored.

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