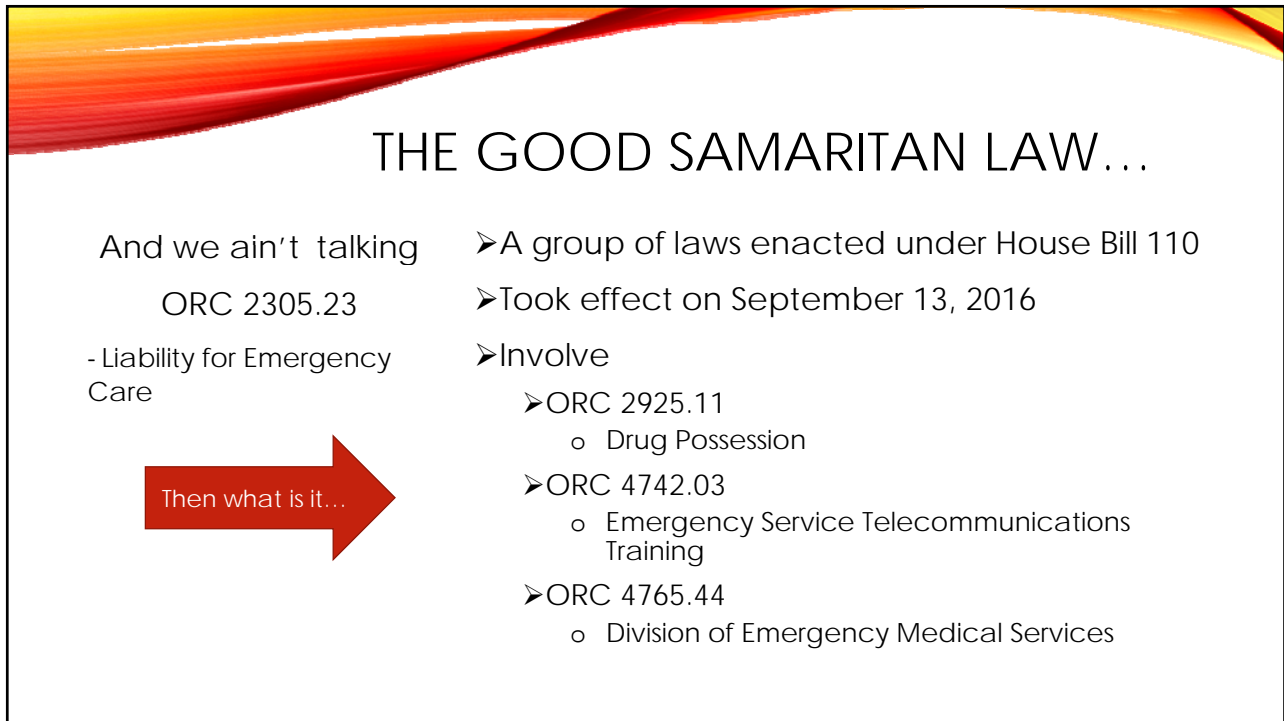


GOOD SAMARITAN LAW

Presented by

Michael Cody – Director of Administration for the Summit County Sheriff’s Office



THE GOOD SAMARITAN LAW...

And we ain't talking

ORC 2305.23

- Liability for Emergency Care



➤ A group of laws enacted under House Bill 110

➤ Took effect on September 13, 2016

➤ Involve

➤ ORC 2925.11

○ Drug Possession

➤ ORC 4742.03

○ Emergency Service Telecommunications Training

➤ ORC 4765.44

○ Division of Emergency Medical Services

ORC 2925.11

POSSESSION OF CONTROLLED SUBSTANCES

Effective September 13, 2016

ORC 2925.11

- Changes in ORC 2925.11(B)(2)(b) Possession of Drugs:
 - **ONLY** applies to the offense of **POSSESSION**
 - Adds a category of people who cannot be prosecuted for possessing a controlled substance, under the right circumstances
- Under the law, a person will be immune from:
 - Arrest; Charging; Prosecution; and Conviction
 - For a misdemeanor or F5 DRUG POSSESSION (minor drug possession offense)
 - And **ONLY** if they meet the criteria for being a **QUALIFIED PERSON**

ORC 2925.11

➤ Criteria for QUALIFIED PERSON

- They are not on Community Control or Post Release Control
- They have not previously been granted immunity two (2) or more times
- They have acted in good faith to seek or obtain medical assistance for an overdose for
 - Themselves
 - Another Person
 - They are the person overdosing and someone else is attempting to seek or obtain medical assistance for them

ORC 2925.11

➤ Criteria for QUALIFIED PERSON (continued)


- When the only evidence of their drug possession is obtained as a result of their seeking the medical assistance or experiencing an overdose and needing medical assistance
- They seek and obtain a screening AND receive a referral for treatment WITHIN 30 DAYS of their having sought medical assistance
 - The Prosecutor MUST ACTUALLY inquire of them to see if they were screened and referred
 - They must submit documentation to the Prosecuting Attorney that verifies that they satisfied the requirements to be screened and that they received a referral
 - Note: the documentation shall be limited to the date and time of the screening obtained and the referral received

ORC 2925.11

- DEFINITION – Seeking or obtaining medical assistance
 - Includes but is not limited to:
 - Making a 911 call
 - Contacting an ON-Duty Peace Officer; In person or by telephone call
 - By transporting or presenting a person to a health care facility
 - **This definition is to be liberally interpreted by a Court and/or Judge**

ORC 2925.11

- DEFINITION – Minor Drug Offense Immunity
 - Immunity **DOES NOT** exist if:
 - The substance is HEROIN and the amount is
 - 1 gram or higher
 - Or equals or exceeds 10 Unit Doses but is less than 50 Unit Doses (F4)
 - The substance is a SCHEDULE I or II controlled substance and the amount is equal to the BULK amount
 - (10 grams or 25 Unit Doses) (F3)
 - (Fentanyl and PCP are Schedule II)



ORC 2925.11

- The law prohibits arrest and charging – **BUT DOES NOT PROHIBIT:**
 - Seizing evidence or contraband otherwise permitted by law
 - Arrest or taking into custody a person in the course of an investigation for any offense other than minor drug possession as already outlined
 - Limit or modify the admissibility of any evidence seized that might be applied to someone other than the qualified person, or for any other offense

ORC 4742.03

EMERGENCY SERVICE TELECOMMUNICATOR TRAINING

Effective September 13, 2016



ORC 4742.03

- What Public Safety Answering Point Personnel NEED TO KNOW
 - They have no obligation to tell the caller about any possible immunity, **UNLESS THE CALLER ASKS**
 - Immunity is **ONLY for possessing** a controlled substance
 - It **MAY** be granted by the Prosecuting Attorney's Office that has jurisdiction over the case
 - It **CAN** be granted to the caller, if they possessed a controlled substance at the time of the call and/or to the person who suffered the overdose
 - Their 911 call is sufficient to be a "good faith" attempt to obtain medical assistance, for themselves or another who might need medical assistance for an overdose

ORC 4742.03

- IMMUNITY CANNOT be granted if the person
 - Is **CURRENTLY** on Probation or Community Control from any Court (Municipal or Common Pleas) anywhere in the state
 - Is **CURRENTLY** under Supervised Release from prison (under the supervision of the Adult Parole Authority)
 - **HAS BEEN GRANTED** immunity two (2) or more times in the past (from any Court anywhere in the state)



ORC 4742.03

➤ TO BE GRANTED IMMUNITY

- The person who possessed the drugs or the person who overdosed must:
 - GO and be screened by a community addiction service or a properly credentialed addiction treatment professional
 - They MUST RECEIVE a referral to a community addiction service or a properly credentialed addiction treatment professional
 - They MUST PROVIDE to the Prosecutor (WHEN ASKED) documentation that shows the date and time on which they were screened and the fact that they received a referral

ORC 4765.44

DIVISION OF EMERGENCY MEDICAL SERVICES

-DISCLOSURE OF INFORMATION RELATED TO ADMINISTRATION OF
NALOXONE TO LAW ENFORCEMENT AGENCY

Effective September 13, 2016



ORC 4765.44

- Section 4765.44 was newly created and enacted
 - Subsection (B)(1)
 - allows a law enforcement agency to request, and directs emergency medical service personnel and firefighters **to provide the names and address of any person** to whom they administered naloxone due to an actual or suspected drug overdose
 - Subsection (B)(2)
 - allows a law enforcement agency to request the name and address for the purposes of investigation or treatment

I THINK THIS IS WHERE HE GIVES HIS CONCLUSIONS

Then he blames his scribe for any errors and omissions
Then he finishes up with a quick question and answer session

FINIS

