

Immunity When Overdoses Reported



Background

[HB 16-1390 \(HB 1390\)](#) expands upon specific provisions regarding immunity for individuals that report drug overdoses, outlined in an earlier law. In 2012, Senate Bill 12-020 provided immunity, with certain exceptions, from criminal prosecution for a person who overdoses or a person who, in good faith, reports an overdose to the authorities. The creation of a safe haven provision in the state's criminal statutes was intended to encourage individuals, who may otherwise be reluctant to report such an event due to a fear of criminal prosecution, to do so without delay.

What You Need to Know

Under the new law, a person is now not only immune from criminal prosecution, but also immune from *arrest* when suffering from or reporting an emergency drug or alcohol overdose. The new law also provides immunity from arrest for underage persons reporting alcohol or marijuana overdoses and extends immunity from arrest and prosecution to the underage person requiring medical assistance. In order to be provided immunity, certain conditions must be met. The reporter must:

- Remain at the scene of the event until law enforcement or emergency medical personnel arrive; and
- Identify themselves to, and cooperate with, the law enforcement officer or emergency medical responder.

Although hospitals will not be directly impacted by this law, hospital emergency medical personnel may be questioned more frequently by local law enforcement agencies when treating individuals who report an overdose and require emergency medical assistance.

Additional Resources

- [HB 1390 Fiscal Note](#)
- HB 1390 took effect on Aug. 10, 2016.

For questions or more information, contact Amber Burkhart, CHA policy analyst, at 720.330.6028.