

1 State of Arkansas *As Engrossed: S3/5/15 H3/25/15*

2 90th General Assembly

# A Bill

3 Regular Session, 2015

SENATE BILL 543

4

5 By: Senator Rapert

6 *By: Representative Bragg*

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## For An Act To Be Entitled

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

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## Subtitle

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TO CREATE THE JOSHUA ASHLEY-PAULEY ACT.

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

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

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### Subchapter 16 – Joshua Ashley-Pauley Act

23

24 20-13-1601. Title.

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

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28 20-13-1602. Legislative findings.

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The General Assembly finds that:

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

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

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(3) Joshua Ashley-Pauley of Faulkner County died of a drug



1 overdose in May 2014;

2 (4) Drug overdoses were the leading cause of death in 2012, with  
3 drug overdoses causing more deaths among people between twenty-five (25)  
4 years of age and sixty-four (64) years of age than motor vehicle traffic  
5 crashes;

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

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

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

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16 20-13-1603. Definitions.

17 As used in this subchapter:

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

23 (A) Extreme physical illness;

24 (B) Decreased level of consciousness;

25 (C) Respiratory depression;

26 (D) Coma;

27 (E) Mania; or

28 (F) Death;

29 (2) "Emergency medical services" means:

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

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

36 (3) "Medical assistance" means aid provided to a person

1 experiencing or believed to be experiencing a drug overdose by a healthcare  
2 provider acting within its scope of practice that may provide diagnosis,  
3 treatment, or emergency medical services relative to the drug overdose; and

4 (4) "Seeks medical assistance" means accesses or assists in  
5 accessing the 911 system or otherwise contacts or assists in contacting law  
6 enforcement or a poison control center and provides care to a person  
7 experiencing or believed to be experiencing a drug overdose.

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9 20-13-1604. Immunity for seeking medical assistance.

10 (a) A person shall not be arrested, charged, or prosecuted for  
11 possession of a controlled substance in violation of § 5-64-419 if the  
12 evidence for the arrest, charge, or prosecution of the possession of a  
13 controlled substance in violation of § 5-64-419 resulted solely from seeking  
14 medical assistance if:

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

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

19 (b) A person shall not be subject to penalties for a violation of a  
20 permanent or temporary protective order or restraining order or sanctions for  
21 a violation of a condition of pretrial release, condition of probation, or  
22 condition of parole based on the possession of a controlled substance in  
23 violation of § 5-64-419 if the penalties or sanctions are related to the  
24 seeking of medical assistance.

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26 20-13-1605. Construction.

27 This subchapter does not limit:

28 (1) The admissibility of any evidence:

29 (A) In connection with the investigation or prosecution of  
30 a crime with regard to a person who does not meet the requirements of § 20-  
31 13-1604; or

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

34 (2) Any seizure of evidence or contraband otherwise permitted by  
35 law; or

36 (3) The authority of a law enforcement officer to detain or take

1 into custody a person in the course of an investigation or to effectuate an  
2 arrest for any offense except as provided in § 20-13-1604.

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4 */s/Rapert*

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7 **APPROVED: 04/06/2015**  
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