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SENATE BILL 5516

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State of Washington

61st Legislature

2009 Regular Session

By Senators Franklin, Kline, Kohl-Welles, Regala, Fraser, Kauffman,  
and Shin

Read first time 01/26/09. Referred to Committee on Judiciary.

1 AN ACT Relating to drug overdose prevention; adding a new section  
2 to chapter 69.50 RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature intends to save lives by  
5 increasing timely medical attention to overdose victims through the  
6 establishment of limited immunity from prosecution for people who seek  
7 medical assistance in an overdose situation. Drug overdose is the  
8 second leading cause of injury death in the United States, behind only  
9 motor vehicle accidents and ahead of firearms. Overdose mortality  
10 rates have increased significantly since the 1990s, according to the  
11 centers for disease control and prevention, illegal and prescription  
12 drug overdoses killed more than thirty-three thousand people nationwide  
13 in 2005, the last year for which firm data are available. The  
14 Washington state department of health reports that in 1999,  
15 unintentional drug poisoning was responsible for four hundred three  
16 deaths in this state; in 2006, the number had increased to seven  
17 hundred seven. Many overdose fatalities occur because peers delay or  
18 forego calling 911 for fear of arrest or police involvement, which

1 researchers continually identify as the most significant barrier to the  
2 ideal first response of calling emergency services.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 69.50 RCW  
4 to read as follows:

5 (1) A person who believes he or she is witnessing a drug-related  
6 overdose and seeks medical assistance for the person experiencing the  
7 overdose shall not be subject to prosecution for a violation of this  
8 chapter, or have property that is not contraband seized or forfeited on  
9 the basis of a violation of this chapter, if the evidence of the  
10 violation was obtained as a result of seeking medical assistance.

11 (2) A person who experiences a drug-related overdose and receives  
12 medical assistance in connection therewith shall not be subject to  
13 prosecution for a violation of this chapter, or have property that is  
14 not contraband seized or forfeited on the basis of a violation of this  
15 chapter, if the evidence of the violation was obtained as a result of  
16 having received medical assistance.

17 (3) This section shall not apply to prosecutions brought pursuant  
18 to:

19 (a) RCW 69.50.415;

20 (b) RCW 69.50.401 for the manufacture of, or possession with the  
21 intent to manufacture, controlled substances; and

22 (c) RCW 69.50.401 for the delivery of, or possession with intent to  
23 deliver, controlled substances where the delivery was, or was intended  
24 to be, a sale for profit.

25 (4) A court may consider the act of seeking medical assistance for  
26 someone experiencing a drug-related overdose as a mitigating  
27 circumstance justifying an exceptional sentence below the standard  
28 range under RCW 9.94A.535(1).

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