

# House Bill 2754

Sponsored by Representative WILLIAMSON (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Exempts person from arrest and prosecution for certain offenses and finding of violation of terms of release or supervision if person contacts emergency medical services or law enforcement agency to obtain necessary medical assistance for other person due to drug-related overdose.

## A BILL FOR AN ACT

1  
2 Relating to immunity for persons who seek medical assistance.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) A person who contacts emergency medical services or a law enforcement**  
5 **agency to obtain medical assistance for another person who needs medical assistance due to**  
6 **a drug-related overdose is immune from arrest or prosecution for an offense listed in sub-**  
7 **section (2) of this section if the evidence of the offense was obtained because the person**  
8 **contacted emergency medical services or a law enforcement agency as described in this**  
9 **subsection.**

10 (2) The immunity conferred under subsection (1) of this section applies to arrest and  
11 prosecution for:

12 (a) **Frequenting a place where controlled substances are used as described in ORS 167.222;**

13 (b) **Possession of a controlled substance as described in ORS 475.752;**

14 (c) **Unlawful possession of hydrocodone as described in ORS 475.814;**

15 (d) **Unlawful possession of methadone as described in ORS 475.824;**

16 (e) **Unlawful possession of oxycodone as described in ORS 475.834;**

17 (f) **Unlawful possession of heroin as described in ORS 475.854;**

18 (g) **Unlawful possession of marijuana or a marijuana product as described in ORS 475.864;**

19 (h) **Unlawful possession of 3,4-methylenedioxymethamphetamine as described in ORS**  
20 **475.874;**

21 (i) **Unlawful possession of cocaine as described in ORS 475.884;**

22 (j) **Unlawful possession of methamphetamine as described in ORS 475.894;**

23 (k) **Unlawfully possessing a prescription drug as described in ORS 689.527 (6); and**

24 (L) **Unlawful possession of drug paraphernalia with intent to sell or deliver as described**  
25 **in ORS 475.525.**

26 (3) **A person may not be arrested for violating or found to be in violation of the condi-**  
27 **tions of the person's pretrial release, probation, post-prison supervision or parole if the vio-**  
28 **lation involves the possession of a controlled substance or frequenting a place where**  
29 **controlled substances are used and the evidence of the violation was obtained because the**  
30 **person contacted emergency medical services or a law enforcement agency to obtain medical**  
31 **assistance for another person who needed medical assistance due to a drug-related overdose.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1       **(4) A person may not be arrested on an outstanding warrant for any of the offenses listed**  
2 **in subsection (2) of this section if the location of the person was obtained because the person**  
3 **contacted emergency medical services or a law enforcement agency to obtain medical as-**  
4 **sistance for another person who needed medical assistance due to a drug-related overdose.**

5       **(5) The immunity from arrest and prosecution described in this section shall not be**  
6 **grounds for the suppression of evidence relating to a criminal offense other than the offenses**  
7 **listed in subsection (2) of this section.**

8       **(6) As used in this section:**

9       **(a) "Controlled substance" has the meaning given that term in ORS 475.005.**

10       **(b) "Drug-related overdose" means an acute condition including mania, hysteria, extreme**  
11 **physical illness, coma or death resulting from the consumption or use of a controlled sub-**  
12 **stance, or another substance with which a controlled substance was combined, that a person**  
13 **would reasonably believe to be a condition that requires medical attention.**

14       **SECTION 2.** **Section 1 of this 2015 Act applies to conduct occurring on or after the ef-**  
15 **fective date of this 2015 Act.**

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