

2021 Regular Session

HOUSE BILL NO. 166

BY REPRESENTATIVE FONTENOT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME: Provides relative to drug-related overdoses

1 AN ACT

2 To amend and reenact R.S. 14:403.10(B), relative to drug-related overdoses; to provide  
3 relative to immunity from prosecution for drug-related overdoses; to provide that  
4 immunity from prosecution, charges, or penalties for drug-related overdoses does not  
5 apply under certain circumstances; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:403.10(B) is hereby amended and reenacted to read as follows:

8 §403.10. Drug-related overdoses; medical assistance; immunity from prosecution

9 \* \* \*

10 B.(1) ~~Except as provided in Paragraph (2) of this Subsection,~~ a person who  
11 experiences a drug-related overdose and is in need of medical assistance shall not be  
12 charged, prosecuted, or penalized for possession of a controlled dangerous substance  
13 under the Uniform Controlled Dangerous Substances Law if the evidence for  
14 possession of a controlled substance was obtained as a result of the overdose and the  
15 need for medical assistance.

16 (2) The provisions of this Subsection shall not apply when first responders  
17 or law enforcement officers respond to the same residence two or more times for a  
18 person experiencing a drug-related overdose.

19 \* \* \*

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 166 Original

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Fontenot

**Abstract:** Provides that immunity from prosecution, charges, or penalties for possession of a controlled dangerous substance for persons experiencing drug-related overdoses does not apply when first responders or law enforcement officers respond to the same residence two or more times.

Present law provides that a person who experiences a drug-related overdose and is in need of medical assistance shall not be charged, prosecuted, or penalized for possession of a controlled dangerous substance under the Uniform Controlled Dangerous Substances Law if the evidence for the possession of the controlled dangerous substance was obtained as a result of the overdose and the person's need for medical assistance.

Proposed law amends present law to provide that the immunity from prosecution, charges, or penalties does not apply when first responders or law enforcement officers respond to the same residence two or more times for a person experiencing a drug-related overdose.

(Amends R.S. 14:403.10(B))