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An Act To Require a Person Who Provides Illegal Drugs To Give Medical Aid to Another Person in Medical Distress Due to That Illegal Drug Transaction

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 17-A MRSA §1125 is enacted to read:

§ 1125. Duty to provide aid to impaired person in medical distress

1. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Illegal substance" means a scheduled drug or any substance the provision of which to another person subjects the person providing the scheduled drug or other substance to a criminal penalty under the laws of this State or federal law.

B. "In medical distress" means injured, ill or emotionally distraught and in need of emergency aid in order to avoid serious harm or death.

C. "Provide" means to sell, barter, trade, exchange or furnish.

2. A person who provides to another person an illegal substance that subsequently causes that other person to be in medical distress shall:

A. Render first aid and assistance as that person is capable of rendering under the circumstances; and

B. Seek and obtain assistance from a medical professional, first responder or law enforcement officer.

3. Notwithstanding any law to the contrary, a person who provides first aid and assistance to an individual in medical distress pursuant to subsection 2 is not civilly liable for damages sustained by the individual or the death of that individual resulting from an act performed by that person in rendering aid or assistance as long as the act was not gross negligence. This subsection may not be construed to exempt or excuse the person's criminal conduct.

4. A person who violates subsection 2 commits a Class C crime.

SUMMARY

This bill requires a person who provides an illegal substance to an individual that causes that individual serious or life-threatening medical distress to provide first aid and assistance to that individual and seek assistance from a medical professional, first responder or law enforcement officer. A person

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who renders first aid is not civilly liable for damages or death caused as a result of rendering that aid unless it is done in a grossly negligent manner. Criminal liability is not waived.

Failure to provide first aid and assistance is a Class C crime.