

Proposed Amendment to L.D. 1862, *An Act to Strengthen Maine's Good Samaritan Laws Concerning Drug-related Medical Assistance*

Amend the Bill by Striking everything after the enacting clause and inserting the following:

Sec. 1. 17-A MRS §1111-B, as amended by PL 2021, c. 299, Pt. C, §1 and c. 434, §8, is further amended:

17-A § 1111-B. Exemption from liability for reporting a drug related medical emergency, rendering aid or administering naloxone

A person who in good faith seeks medical assistance for, or renders aid to, or administers naloxone hydrochloride to, another person experiencing a drug-related overdose or who is experiencing a drug-related overdose and is in need of medical assistance may not be arrested or prosecuted for or subject to revocation of probation based on conduct that would otherwise constitute a violation of [section 1107-A](#), [1108](#), ~~1111~~ or [1111-A](#) if the grounds for arrest or prosecution are obtained as a result of the person's seeking medical assistance, rendering aid, administering naloxone hydrochloride or experiencing a drug-related overdose. An example of rendering aid to a person in these circumstances might be giving first aid or looking after the person until medical help arrives.

A criminal defendant may move the court prior to trial to determine whether the defendant is immune from prosecution pursuant to this section. The burden of proof shall be that of an affirmative defense. The court may hear testimony and shall make factual and legal findings as necessary to determine immunity.