

[O.C.G.A. § 16-13-5](#)

Current Through the 2014 Regular Session

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§ 16-13-5. Immunity from arrest or prosecution for persons seeking medical assistance for drug overdose

- (a) As used in this Code section, the term:
- (1) "Drug overdose" means an acute condition, including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, mania, or death, resulting from the consumption or use of a controlled substance or dangerous drug by the distressed individual in violation of this chapter or that a reasonable person would believe to be resulting from the consumption or use of a controlled substance or dangerous drug by the distressed individual.
 - (2) "Drug violation" means:
 - (A) A violation of subsection (a) of [Code Section 16-13-30](#) for possession of a controlled substance if the aggregate weight, including any mixture, is less than four grams of a solid substance, less than one milliliter of liquid substance, or if the substance is placed onto a secondary medium with a combined weight of less than four grams;
 - (B) A violation of paragraph (1) of subsection (j) of [Code Section 16-13-30](#) for possession of less than one ounce of marijuana; or
 - (C) A violation of [Code Section 16-13-32.2](#), relating to possession and use of drug related objects.
 - (3) "Medical assistance" means aid provided to a person by a health care professional licensed, registered, or certified under the laws of this state who, acting within his or her lawful scope of practice, may provide diagnosis, treatment, or emergency medical services.
 - (4) "Seeks medical assistance" means accesses or assists in accessing the 9-1-1 system or otherwise contacts or assists in contacting law enforcement or a poison control center and provides care to a person while awaiting the arrival of medical assistance to aid such person.
- (b) Any person who in good faith seeks medical assistance for a person experiencing or believed to be experiencing a drug overdose shall not be arrested, charged, or prosecuted for a drug violation if the evidence for the arrest, charge, or prosecution of such drug violation resulted solely from seeking such medical assistance. Any person who is experiencing a drug overdose and, in good faith, seeks medical assistance for himself or herself or is the subject of such a request shall not be arrested, charged, or prosecuted for a drug violation if the evidence for the arrest, charge, or prosecution of such drug violation resulted solely from seeking such medical assistance. Any such person shall also not be subject to, if related to the seeking of such medical assistance:
- (1) Penalties for a violation of a permanent or temporary protective order or restraining order; or
 - (2) Sanctions for a violation of a condition of pretrial release, condition of probation, or condition of parole based on a drug violation.
- (c) Nothing in this Code section shall be construed to limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regard to a defendant who does not qualify for the protections of subsection (b) of this Code section or with regard to other crimes committed by a person who otherwise qualifies for protection pursuant to subsection (b) of this Code section. Nothing in this Code section shall be construed to limit any seizure of evidence or contraband otherwise permitted by law. Nothing in this Code section shall be construed to limit or abridge the authority of a law enforcement officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in subsection (b) of this Code section.

History

Code 1981, § 16-13-5, enacted by [Ga. L. 2014, p. 683, § 1-3/HB 965](#).

Annotations

Notes

EFFECTIVE DATE. --

This Code section became effective April 24, 2014.

EDITOR'S NOTES. --

[Ga. L. 2014, p. 683, § 1-1/HB 965](#), not codified by the General Assembly, provides that: "This part [Part I of the Act] shall be known and may be cited as the 'Georgia 9-1-1 Medical Amnesty Law'."

[Ga. L. 2014, p. 683, § 1-2/HB 965](#), not codified by the General Assembly, provides:

"WHEREAS, according to the Atlanta Journal Constitution ("AJC"), more than 600,000 Americans used heroin in 2012, which is nearly double the number from five years earlier according to health officials; and

"WHEREAS, the AJC article states that '[t]he striking thing about heroin's most recent incarnation is that a drug that was once largely confined to major cities is spreading into suburban and rural towns across America, where it is used predominantly by young adults between the ages of 18 and 29'; and

"WHEREAS, the Drug Enforcement Agency has noted that the 'skyrocketing' increase in the availability of cheap heroin is a direct reaction by cartels to legislative efforts to regulate and restrict access to opiate prescription painkillers; and

"WHEREAS, Stephen Cardiges of Lawrenceville died of an accidental heroin overdose; and

"WHEREAS, Randall Brannen of McDonough died of an accidental overdose; and

"WHEREAS, Stephen and Randall are a part of a growing trend of drug overdose victims in Georgia; and

"WHEREAS, those who were with them did not call 9-1-1 to seek medical assistance, which could have saved their lives, because of a fear of prosecution for the possession and use of illegal drugs; and

"WHEREAS, Overdose Reporting/Medical Amnesty legislation, or '9-1-1 Good Samaritan Laws,' have been passed in 14 states, including Florida and North Carolina, and is under consideration in several more; and

"WHEREAS, in North Carolina, it is believed that at least 20 lives have been saved since passage last year of similar legislation, and in Massachusetts it is believed that more than 120 lives have been saved since passage of similar legislation in that state in 2012; and

"WHEREAS, overdose deaths result from a variety of substances, including prescription painkillers, heroin, methamphetamine, designer drugs, and alcohol."

Ga. L. 2014, p. 683, § 3-1(b)/HB 965, not codified by the General Assembly, provides, in part, that: "Parts I and II of this Act shall apply to all acts committed on or after such effective date [April 24, 2014]."

Research References & Practice Aids

Hierarchy Notes:

[Title Note](#)

Hierarchy Notes:

[Chapter Note](#)

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