

REFERENCE TITLE: **medical assistance; drugs; prohibited arrest**

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1160

Introduced by
Senators Marsh: Kern, Shope

AN ACT

**AMENDING SECTION 13-3423, ARIZONA REVISED STATUTES; RELATING TO DRUG
OFFENSES.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3423, Arizona Revised Statutes, is amended to
3 read:

4 13-3423. Medical assistance requests; prohibited arrest or
5 prosecution of Good Samaritans; mitigating factor;
6 definitions

7 A. A person who, in good faith, seeks medical assistance for
8 someone experiencing a drug-related overdose may not be ARRESTED, charged
9 or prosecuted for the possession or use of a controlled substance or drug
10 paraphernalia or a preparatory offense if the evidence for the violation
11 was gained as a result of the person's seeking medical assistance.

12 B. A person who experiences a drug-related overdose, who is in need
13 of medical assistance and for whom medical assistance is sought pursuant
14 to subsection A of this section may not be ARRESTED, charged or prosecuted
15 for the possession or use of a controlled substance or drug paraphernalia
16 if the evidence for the violation was gained as a result of the person's
17 overdose and need for medical assistance.

18 C. The act of seeking medical assistance for someone who is
19 experiencing a drug-related overdose may be used as a mitigating factor in
20 a criminal prosecution for a violation of this chapter.

21 D. This section does not limit either:

22 1. The admissibility of any evidence in connection with the
23 investigation or prosecution of a crime with regard to a defendant who
24 does not qualify under subsection A or B of this section or with regard to
25 any other crime.

26 2. The ability to seize contraband or make an arrest for any other
27 offense.

28 E. This section does not prohibit a person specified in subsection
29 A or B of this section from being offered a diversion program for an
30 offense other than the possession or use of a controlled substance or drug
31 paraphernalia or a preparatory offense.

32 F. For the purposes of this section:

33 1. "Medical assistance" means aid provided by a health care
34 professional who is licensed, registered or certified in this state, who
35 is acting within the health care professional's scope of practice and who
36 provides a diagnosis, treatment or other medical service.

37 2. "Seeks medical assistance" means to call 911 or otherwise
38 contact law enforcement, poison control or a hospital emergency
39 department.