

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

State of Arizona  
Senate  
Fifty-sixth Legislature  
Second Regular Session  
2024

# **SB 1028**

Introduced by  
Senator Marsh: Representatives Cook, Terech

## **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.