



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Assembly Bill 447	Assembly Amendments 1 and 2
<i>Memo published: January 13, 2014</i>	<i>Contact: Melissa Schmidt, Senior Staff Attorney (266-2298)</i>

2013 ASSEMBLY BILL 447

2013 Assembly Bill 447 (hereinafter, “the bill) provides that a person who may be considered an “**aider**,” and not the person experiencing the overdose, is immune from criminal prosecution for possession of a controlled substance, or controlled substance analog, under the circumstances surrounding or leading to his or her commission of acting as an “aider.” A person may be considered an “aider” if both of the following apply:

- The other person is, or the person believes him or her to be, suffering from an overdose of, or other adverse reaction to, any controlled substance or controlled substance analog.
- The person did any of the following:
 - Brings another person to an emergency room, hospital, fire station, or other health care facility.
 - Summons a law enforcement officer, ambulance, emergency medical technician, or other health care provider, to assist another person.
 - Dials the telephone number “911” or, in an area in which “911” is not available, the number for an emergency medical service provider, to obtain assistance for another person.

The bill also provides that **any** person is immune from criminal prosecution for possessing naloxone¹ or for administering or delivering naloxone to another person if both of the following apply:

- The person administered or delivered the naloxone to another person because he or she believed, in good faith, that the other person was suffering from an overdose or adverse reaction to a controlled substance or controlled substance analog.

¹ Naloxone, also known by its trade name, Narcan, is a prescription drug that is used as an antidote to reverse an overdose of an opioid (e.g., heroin and prescription opioids including morphine, ocycontin, methadone, and Vicodin).

- The person believed, in good faith, that delivering or administering naloxone to the person was necessary to save the life of the other person.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 to the bill (hereinafter, “AA1”) provides that, in addition to immunity from criminal prosecution for possession of a controlled substance or controlled substance analog, an “aider” may also be immune from criminal prosecution for possession of drug paraphernalia.

ASSEMBLY AMENDMENT 2

Assembly Amendment 2 to the bill (hereinafter, “AA2”) deletes the provisions in the bill that provide immunity from criminal prosecution for possessing naloxone, or administering or delivering naloxone to another person.

BILL HISTORY

On January 8, 2014, Representative Nygren offered AA1 and AA2. On January 9, 2014, the Assembly Committee on Criminal Justice recommended adoption of AA1 by a vote of Ayes, 9; Noes, 1; and AA2 on votes of Ayes, 10; Noes, 0. The committee then recommended passage of the bill, as amended, by a vote of Ayes, 10; Noes, 0.

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