2013 DRAFTING REQUEST

Assembly Amendment (AA-AB447)

Received:	**12/23/2013**	Received By:	**phurley**
Wanted:	**As time permits**	Same as LRB:	
For:	**John Nygren (608) 266-2343**	By/Representing:	
May Contact:		Drafter:	**phurley**
Subject:	**Criminal Law - drugs**	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**
Requester's email: **Rep.Nygren@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Remove naloxone provision

Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	phurley 12/23/2013			_____ _____			
/1		scalvin 12/27/2013	jmurphy 12/27/2013	_____ _____	mbarman 12/27/2013	mbarman 12/27/2013	

FE Sent For:

<END>

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/?	phurley	/1 sac 12/27/2013	/1 sac 12/27/2013	_____ _____ 12/27			

FE Sent For:

<END>

State of Wisconsin
2013 - 2014 LEGISLATURE

LRB-3164/1
PJH:jld:jm

2013 ASSEMBLY BILL 447

October 18, 2013 - Introduced by Representatives NYGREN, NERISON, BERNIER, KRUG, PETRYK, TRANEL, BIES, CZAJA, ENDSLEY, JAGLER, KAPENGA, KLEEFISCH, KNODL, KNUDSON, LEMAHIEU, MURTHA, A. OTT, PETERSEN, RIPP, SWEARINGEN, TAUCHEN, TITTL, BERCEAU, HULSEY, KAHL, RICHARDS, WACHS and BALLWEG, cosponsored by Senators HARSDORF, COWLES, L. TAYLOR, DARLING, JAUCH, GUDEX, HARRIS, OLSEN, LEHMAN, T. CULLEN, ELLIS, SHILLING, PETROWSKI, LAZICH, MILLER, CARPENTER, SCHULTZ, WIRCH, ERPENBACH, HANSEN and RISSER. Referred to Committee on Criminal Justice.

AN ACT ***to create*** 961.443 and 961.447 of the statutes; **relating to:** granting immunity from certain criminal prosecutions for offenses relating to a controlled substance or a controlled substance analog.

Analysis by the Legislative Reference Bureau

This bill provides immunity from certain criminal prosecutions for a person (aider) who brings another person to an emergency room or other health facility, who summons police or emergency medical assistance, or who administers aid to another person because the aider believes the other person is suffering from an overdose or other adverse reaction to a controlled substance or a controlled substance analog.

Under the bill, the aider may not be prosecuted for possession of a controlled substance or a controlled substance analog under the circumstances that led him or her to summon or provide emergency assistance.

Under the bill, a person may not be prosecuted for possessing naloxone or for administering or delivering naloxone to another person if he or she administered naloxone to the other person with the good faith belief that the other person was suffering from an overdose or an adverse reaction to a controlled substance or a controlled substance analog and that it was necessary to deliver or administer the naloxone in order to save the other person's life.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 961.443 of the statutes is created to read:

2 **961.443 Immunity from criminal prosecution; possession. (1)**
3 DEFINITIONS. In this section, "aider" means a person who does any of the following:

4 (a) Brings another person to an emergency room, hospital, fire station, or other
5 health care facility if the other person is, or the person believes him or her to be,
6 suffering from an overdose of, or other adverse reaction to, any controlled substance
7 or controlled substance analog.

8 (b) Summons a law enforcement officer, ambulance, emergency medical
9 technician, or other health care provider, to assist another person if the other person
10 is, or the person believes him or her to be, suffering from an overdose of, or other
11 adverse reaction to, any controlled substance or controlled substance analog.

12 (c) Dials the telephone number "911" or, in an area in which the telephone
13 number "911" is not available, the number for an emergency medical service
14 provider, to obtain assistance for another person if the other person is, or the person
15 believes him or her to be, suffering from an overdose of, or other adverse reaction to,
16 any controlled substance or controlled substance analog.

17 **(2)** IMMUNITY FROM CRIMINAL PROSECUTION. An aider is immune from prosecution
18 under s. 961.41 (3g) for the possession of a controlled substance or a controlled
19 substance analog, under the circumstances surrounding or leading to his or her
20 commission of an act described in sub. (1).

21 **SECTION 2.** 961.447 of the statutes is created to read:

22 **961.447 Immunity from criminal prosecution; emergency**
23 **administration.** A person is immune from criminal prosecution for possessing
24 naloxone or for administering or delivering naloxone to another person if he or she
25 administered or delivered the naloxone to another person because he or she believed,

1 in good faith, that the other person was suffering from an overdose or adverse
2 reaction to a controlled substance or controlled substance analog and believed, in
3 good faith, that delivering or administering naloxone to the person was necessary to
4 save the life of the other person.

5 **(END)**

State of Wisconsin
2013 – 2014 LEGISLATURE

LRBa1362/1
PJH:.../...
Sac

ASSEMBLY AMENDMENT ,

TO ASSEMBLY BILL 447

12-23

At the locations indicated, amend the bill as follows:

1. Page 2, line 21: delete lines 21 to 25.

2. Page 3, line 1: delete lines 1 to 4.

(END)