



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-5613/1  
EAW:skw

## 2021 SENATE BILL 878

January 21, 2022 - Introduced by Senators STROEBEL, JACQUE and NASS, cosponsored by Representatives GUNDRUM, JAMES, CABRAL-GUEVARA, DUCHOW, KNODL, KUGLITSCH and WICHGERS. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT to amend** 961.443 (1) (a), (b) and (c) of the statutes; **relating to:**  
2 immunity to an aider.

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***Analysis by the Legislative Reference Bureau***

Under current law, if a person aids a person believed to be experiencing a drug overdose by bringing the person to the emergency room, hospital, fire station, or other health care facility or by calling 911, the police, or other first responders or health care providers, the aider is immune from prosecution for certain criminal charges relating to possession of drugs or drug paraphernalia. This bill specifies that, in order to be afforded immunity under this provision, an aider must provide assistance as soon as reasonably possible and without unnecessary delay.

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

3 **SECTION 1.** 961.443 (1) (a), (b) and (c) of the statutes are amended to read:  
4 961.443 (1) (a) Brings another person to an emergency room, hospital, fire  
5 station, or other health care facility and makes contact with an individual who staffs  
6 the emergency room, hospital, fire station, or other health care facility if the other  
7 person is, or if a reasonable person would believe him or her to be, suffering from an

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1 overdose of, or other adverse reaction to, any controlled substance or controlled  
2 substance analog as soon as reasonably possible and without unnecessary delay.

3 (b) Summons and makes contact with a law enforcement officer, ambulance,  
4 emergency medical services practitioner, as defined in s. 256.01 (5), or other health  
5 care provider, in order to assist another person if the other person is, or if a  
6 reasonable person would believe him or her to be, suffering from an overdose of, or  
7 other adverse reaction to, any controlled substance or controlled substance analog  
8 as soon as reasonably possible and without unnecessary delay.

9 (c) Calls the telephone number “911” or, in an area in which the telephone  
10 number “911” is not available, the number for an emergency medical service  
11 provider, and makes contact with an individual answering the number with the  
12 intent to obtain assistance for another person if the other person is, or if a reasonable  
13 person would believe him or her to be, suffering from an overdose of, or other adverse  
14 reaction to, any controlled substance or controlled substance analog as soon as  
15 reasonably possible and without unnecessary delay.

16 (END)