

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 16-1130.01 Richard Sweetman x4333

HOUSE BILL 16-1390

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HOUSE SPONSORSHIP

Moreno,

SENATE SPONSORSHIP

Guzman,

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House Committees

Public Health Care & Human Services

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING IMMUNITY FOR CERTAIN PERSONS WHO ARE INVOLVED  
102 WITH A REPORTED OVERDOSE EVENT.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)*

Under current law, a person who reports an emergency drug or alcohol overdose event is immune from criminal prosecution for certain drug-related offenses if certain conditions are satisfied. The bill immunizes the reporter from arrest as well as from prosecution.

Under current law, an underage person who calls 911 and reports that another underage person is in need of medical assistance due to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

alcohol or marijuana consumption is immune from criminal prosecution for certain offenses if certain conditions are satisfied. The bill immunizes the reporter from arrest as well as from prosecution. The bill also extends immunity to the underage person who was in need of medical assistance.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 18-1-711, **amend** (1)  
3 introductory portion as follows:

4 **18-1-711. Immunity for persons who suffer or report an**  
5 **emergency drug or alcohol overdose event - definitions.** (1) A person  
6 ~~shall be~~ IS immune from ~~criminal~~ ARREST AND prosecution for an offense  
7 described in subsection (3) of this section if:

8 **SECTION 2.** In Colorado Revised Statutes, 18-13-122, **amend**  
9 (7) as follows:

10 **18-13-122. Illegal possession or consumption of ethyl alcohol**  
11 **or marijuana by an underage person - illegal possession of marijuana**  
12 **paraphernalia by an underage person - definitions - adolescent**  
13 **substance abuse prevention and treatment fund - legislative**  
14 **declaration.** (7) (a) An underage person ~~shall be~~ IS immune from  
15 ~~criminal~~ ARREST AND prosecution under this section if he or she  
16 establishes the following:

17 ~~(a)~~ (I) The underage person called 911 and reported in good faith  
18 that another underage person was in need of medical assistance due to  
19 alcohol or marijuana consumption;

20 ~~(b)~~ (II) The underage person who called 911 provided his or her  
21 name to the 911 operator;

22 ~~(c)~~ (III) The underage person was the first person to make the 911  
23 report; and

1           ~~(d)~~ (IV) The underage person who made the 911 call remained on  
2 the scene with the underage person in need of medical assistance until  
3 assistance arrived and cooperated with medical assistance or law  
4 enforcement personnel on the scene.

5           (b) THE IMMUNITY DESCRIBED IN PARAGRAPH (a) OF THIS  
6 SUBSECTION (7) ALSO EXTENDS TO THE UNDERAGE PERSON WHO WAS IN  
7 NEED OF MEDICAL ASSISTANCE DUE TO ALCOHOL OR MARIJUANA  
8 CONSUMPTION IF THE CONDITIONS OF SAID PARAGRAPH (a) ARE SATISFIED.

9           **SECTION 3.** In Colorado Revised Statutes, 12-47-901, **amend**  
10 (1.5) as follows:

11           **12-47-901. Unlawful acts - exceptions.** (1.5) (a) An underage  
12 person ~~shall be~~ IS immune from ~~criminal~~ ARREST AND prosecution under  
13 paragraph (b) or (c) of subsection (1) of this section if he or she  
14 establishes the following:

15           ~~(a)~~ (I) The underage person called 911 and reported that another  
16 underage person was in need of medical assistance due to alcohol  
17 consumption;

18           ~~(b)~~ (II) The underage person who called 911 provided his or her  
19 name to the 911 operator;

20           ~~(c)~~ (III) The underage person was the first person to make the 911  
21 report; and

22           ~~(d)~~ (IV) The underage person who made the 911 call remained on  
23 the scene with the underage person in need of medical assistance until  
24 assistance arrived and cooperated with medical assistance or law  
25 enforcement personnel on the scene.

26           (b) THE IMMUNITY DESCRIBED IN PARAGRAPH (a) OF THIS  
27 SUBSECTION (1.5) ALSO EXTENDS TO THE UNDERAGE PERSON WHO WAS IN

1     NEED OF MEDICAL ASSISTANCE DUE TO ALCOHOL CONSUMPTION IF THE  
2     CONDITIONS OF SAID PARAGRAPH (a) ARE SATISFIED.

3             **SECTION 4. Act subject to petition - effective date.** This act  
4     takes effect at 12:01 a.m. on the day following the expiration of the  
5     ninety-day period after final adjournment of the general assembly (August  
6     10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
7     referendum petition is filed pursuant to section 1 (3) of article V of the  
8     state constitution against this act or an item, section, or part of this act  
9     within such period, then the act, item, section, or part will not take effect  
10    unless approved by the people at the general election to be held in  
11    November 2016 and, in such case, will take effect on the date of the  
12    official declaration of the vote thereon by the governor.