

The Safe Harbor Bill Language (Previously Senate Bill 289)

Montana Code Annotated 2019

TITLE 50. HEALTH AND SAFETY

CHAPTER 32. CONTROLLED SUBSTANCES

Part 6. Help Save Lives From Overdose Act

Good Samaritan Protections

50-32-609. Good Samaritan protections. (1) The provisions of **45-5-626**, **45-9-102**, **45-9-107**, and **45-10-103** do not apply to:

(a) a person who, acting in good faith, seeks medical assistance for another person who is experiencing an actual or reasonably perceived drug-related overdose if the evidence supporting an arrest, charge, or prosecution was obtained as a result of the person's seeking medical assistance for another person; or

(b) a person who experiences a drug-related overdose and is in need of medical assistance if the evidence supporting an arrest, charge, or prosecution was obtained as a result of the drug-related overdose and the need for medical assistance.

(2) The provisions of **45-9-102**, **45-9-107**, and **45-10-103** do not apply to a pregnant woman seeking or receiving evaluation, treatment, or support services for a substance use disorder.

(3) A person's pretrial release, probation, furlough, supervised release, or parole may not be revoked based on an incident for which the person would be immune from arrest, charge, or prosecution under this section.

(4) A person's act of providing first aid or other medical assistance to a person who is experiencing an actual or reasonably perceived drug-related overdose may be used as a mitigating factor in a criminal prosecution for which immunity is not provided under this section.

(5) This section may not be construed to:

(a) bar the admissibility of evidence obtained in connection with the investigation and prosecution of other crimes or violations committed by a person who otherwise qualified for limited immunity under this section;

(b) limit, modify, or remove immunity from liability currently available to public entities, public employees, or prosecutors or by law; or

(c) create a new cause of action or other source of criminal liability for a pregnant woman with a substance use disorder who does not seek or receive evaluation, treatment, or support services for a substance use disorder.

History: En. Sec. 9, Ch. 253, L. 2017; amd. Sec. 1, Ch. 265, L. 2019.