

1 **SENATE FLOOR VERSION**

2 February 27, 2018

3 SENATE BILL NO. 1367

By: Yen

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5  
6 An Act relating to prescription drug offenses;  
7 prohibiting taking person into custody under certain  
8 circumstances; prohibiting certain prosecutions;  
9 prohibiting certain civil actions; defining term;  
10 providing for codification; and providing an  
11 effective date.

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 2-309.1 of Title 63, unless  
15 there is created a duplication in numbering, reads as follows:

16 A. A peace officer may not take a person into custody based  
17 solely on the commission of an offense involving prescription drugs  
18 if the law enforcement officer, after making a reasonable  
19 determination and considering the facts and surrounding  
20 circumstances, reasonably believes that the following apply:

21 1. The law enforcement officer has contact with the person  
22 because they were requesting emergency medical assistance for self  
23 or another individual who reasonably appeared to be in need of  
24 medical assistance due to a drug overdose; and

2. The person:

- 1 a. provided the person's full name and other relevant  
2 information requested by the law enforcement officer,  
3 b. was incapacitated and in need of medical assistance  
4 due to a drug overdose or remained at the scene with  
5 the individual who reasonably appeared to be in need  
6 of medical assistance due to a drug overdose until  
7 emergency medical assistance arrived, and  
8 c. cooperated with emergency medical assistance personnel  
9 and law enforcement officers at the scene.

10 B. A person who meets the criteria of subsection A of this  
11 section shall not be subject to prosecution or receive a mitigated  
12 sentence for a drug offense or shall not have property seized or  
13 forfeited on the basis of a drug violation if evidence is obtained  
14 that they were seeking emergency medical assistance or intervening  
15 to prevent a drug overdose.

16 C. A person may not initiate or maintain an action against a  
17 peace officer or the employing political subdivision based on the  
18 officer's compliance or failure to comply with this section.

19 D. For the purposes of this section, "peace officer" shall have  
20 the same meaning as defined in Section 99 of Title 21 of the  
21 Oklahoma Statutes.

22 SECTION 2. This act shall become effective November 1, 2018.

23 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
24 February 27, 2018 - DO PASS