

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 4307

(SENATE AUTHORS: EATON)

DATE
03/28/2022

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

- 1.1 A bill for an act
- 1.2 relating to public safety; expanding the provisions of Steve's law; providing
- 1.3 expanded criminal immunity for good samaritans in certain drug overdose cases;
- 1.4 clarifying employer liability for acts of employees in administering opioid
- 1.5 antagonists; amending Minnesota Statutes 2020, sections 604A.04, by adding a
- 1.6 subdivision; 604A.05.
- 1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.8 Section 1. Minnesota Statutes 2020, section 604A.04, is amended by adding a subdivision
- 1.9 to read:
- 1.10 Subd. 4. **Employer immunity.** An employer is not liable for any damages for acts or
- 1.11 omissions made by an employee while administering an opiate antagonist in accordance
- 1.12 with subdivisions 2 and 3.
- 1.13 Sec. 2. Minnesota Statutes 2020, section 604A.05, is amended to read:
- 1.14 **604A.05 GOOD SAMARITAN OVERDOSE MEDICAL AND OTHER**
- 1.15 **ASSISTANCE.**
- 1.16 Subdivision 1. **Person seeking medical providing assistance; immunity from**
- 1.17 **prosecution.** A person acting in good faith who seeks medical assistance for or acts in
- 1.18 concert with a person seeking medical assistance for another person who is experiencing a
- 1.19 drug-related overdose may not be charged or prosecuted for ~~the possession, sharing, or use~~
- 1.20 ~~of a controlled substance under section 152.023, subdivision 2, clauses (4) and (6), 152.024,~~
- 1.21 ~~or 152.025,~~ third-degree murder under section 609.195, paragraph (b); first-degree
- 1.22 manslaughter under section 609.20, clause (4); third-degree controlled substance crime
- 1.23 under section 152.023; fourth-degree controlled substance crime under section 152.024;

2.1 fifth-degree controlled substance crime under section 152.025; or possession of drug
2.2 paraphernalia.

2.3 A person qualifies for the immunities provided in this subdivision only if:

2.4 (1) the evidence for the charge or prosecution was obtained as a result of the person's
2.5 seeking medical assistance for or acting in concert with a person seeking medical assistance
2.6 for another person; and

2.7 (2) the person seeks medical assistance for or acts in concert with a person seeking
2.8 medical assistance for another person who is in need of medical assistance for an immediate
2.9 health or safety concern; provided that the person who seeks the medical assistance is the
2.10 first person to seek the assistance, provides a name and contact information, remains on the
2.11 scene until assistance arrives or is provided, and cooperates with the authorities.

2.12 Good faith does not include seeking medical assistance or acting in concert with a person
2.13 seeking medical assistance during the course of the execution of an arrest warrant or search
2.14 warrant or a lawful search.

2.15 Subd. 2. **Person experiencing an overdose; immunity from prosecution.** A person
2.16 who experiences a drug-related overdose and is in need of medical assistance may not be
2.17 charged or prosecuted for the sale or possession of a controlled substance under section
2.18 152.023, subdivision 2, clauses (4) and (6), 152.024, or 152.025, or possession of drug
2.19 paraphernalia. A person qualifies for the immunities provided in this subdivision only if
2.20 the evidence for the charge or prosecution was obtained as a result of the drug-related
2.21 overdose and the need for medical assistance.

2.22 Subd. 3. **Persons on probation or release.** A person's pretrial release, probation,
2.23 furlough, supervised release, or parole shall not be revoked based on an incident for which
2.24 the person would be immune from prosecution under subdivision 1 or 2.

2.25 Subd. 3a. **Outstanding warrant.** A person who is immune from prosecution under
2.26 subdivision 1 or 2 may not be arrested at the scene of the drug-related overdose for any of
2.27 the listed offenses under subdivision 1 or 2 based on an outstanding arrest warrant for one
2.28 of those same offenses that occurred in the past.

2.29 Subd. 4. **Effect on other criminal prosecutions.** (a) The act of providing first aid or
2.30 other medical assistance to someone who is experiencing a drug-related overdose may be
2.31 used as a mitigating factor in a criminal prosecution for which immunity is not provided.

2.32 (b) Nothing in this section shall:

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

(2) preclude prosecution of a person on the basis of evidence obtained from an independent source;

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

(4) prevent probation officers from conducting drug testing of persons on pretrial release, probation, furlough, supervised release, or parole.

(c) Evidence obtained from the scene of a drug-related overdose is not admissible in a criminal proceeding for a crime described in subdivision 1 or 2 against a person who is immune from prosecution under subdivision 1 or 2.

Subd. 5. Drug-related overdose defined. As used in this section, "drug-related overdose" means an acute condition, including mania, hysteria, extreme physical illness, or coma, resulting from the consumption or use of a controlled substance, or another substance with which a controlled substance was combined, and that a layperson would reasonably believe to be a drug overdose that requires immediate medical assistance.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to acts committed on or after that date.