

# CIRCULAR



**DISTRICT OF COLUMBIA**

Title	<b>Good Samaritan Law on Alcohol- and Drug-Related Overdoses</b>
Number	<b>CIR-14-05</b>
Effective Date	<b>April 15, 2014</b>
Expiration Date	<b>April 15, 2016</b>
Rescinds	CIR-14-03 ( Good Samaritan Law on Alcohol- and Drug-Related Overdoses), Effective Date March 28, 2014

## I. PURPOSE

The purpose of this circular is to advise members of the relevant provisions of the “Good Samaritan Overdose Prevention Amendment Act of 2012” (D.C. Law 19-243) that offer protections from arrest for a person who is suffering an overdose or another person who is seeking assistance for a person suffering an overdose.

Please note that while this circular will expire on April 10, 2016, the changes made to the District’s laws as described in this circular are permanent until such time as the law is amended.

## II. BACKGROUND

In 2013, the Council of the District of Columbia enacted a law that sought to encourage immediate medical treatment for persons experiencing an overdose by limiting the criminal penalties for drug or alcohol possession for the person overdosing or any other person seeking medical assistance for the person overdosing.

It is important to note that (1) someone – whether the person overdosing or a bystander – needs to be the “Good Samaritan” and summon medical help in order to trigger the law’s limited immunity, and that (2) a member does not trigger the law if the member could make a lawful arrest or search of a person and then the member summons medical help him or herself.

### A. Protected Persons

The law applies to the following persons:

1. A person who reasonably believes he or she is experiencing a drug- or alcohol-related overdose and in good faith seeks medical assistance for himself or herself;

2. A person who reasonably believes that another person is experiencing a drug- or alcohol-related overdose and in good faith seeks medical assistance for that person; or
3. A person who is reasonably believed to be experiencing a drug- or alcohol-induced overdose and for whom medical assistance is sought.

The law does not apply to a person who seeks medical assistance for alcohol or drug use in connection with the execution of an arrest warrant, search warrant, or lawful arrest or search.

A person on probation or parole and who seeks medical assistance for an overdose cannot have their probation or parole revoked or modified as a result of their seeking medical assistance for the overdose.

**B. Protected Conduct**

The law covers the following conduct that otherwise would be a criminal offense:

1. Unlawful possession of a controlled substance, as prohibited under D.C. Official Code § 48-904.01(d);

As an example, if a person is overdosing on a controlled substance and seeks medical assistance for the overdose, the person cannot be charged with possession of a controlled substance.

However, that same person may be arrested if the officer determines that the totality of the circumstances support an arrest charge for Possession With Intent to Distribute.

2. Unlawful use or possession with intent to use drug paraphernalia, as prohibited under D.C. Official Code § 48-1103(a);
3. Unlawful possession of drug paraphernalia with intent to use it for the administration of a controlled substance, as prohibited under D.C. Official Code § 48-904.10;
4. Possession of alcohol by persons under 21 year of age, as prohibited by D.C. Official Code § 25-1002;
5. In situations where the minor is at least 16 years of age and the provider is 25 years of age or younger:

- a. Purchasing an alcoholic beverage for the purpose of delivering it to a person under 21 years of age, as prohibited by D.C. Official Code § 25-785(a);
- b. Contributing to the delinquency of a minor with regard to possessing or consuming alcohol or, without a prescription, a controlled substance, as prohibited by D.C. Official Code § 22-2811(a)(2); and
- c. The sale or delivery of an alcoholic beverage to a person under 21 years of age, as prohibited by D.C. Official Code § 25-781(a)(1).

As an example, if the person overdosing on alcohol is between 16 and 20 years of age and the person who provided the alcohol is under 25 years of age, neither can be criminally charged when they seek medical assistance for the overdose.

**C. Conduct That is Not Protected**

A person may be arrested for an offense other than the offenses listed in Protected Conduct above and regardless of whether the offense arose from the same circumstances as a person needing medical assistance for an overdose.

As an example, a person who is in unlawful possession of a controlled substance and seeks medical assistance for an overdose may not be arrested for possession of a controlled substance, but may be arrested if he or she is in possession of an unregistered firearm or has any outstanding arrest warrants.

**D. Possession and Administration of Opioid Antagonists**

An opioid antagonist is a drug, such as Naloxone, that prevents the body from responding to opiates and endorphins and that is used to counteract an overdose.

The law removes any criminal penalty against a person for the possession or administration of an opioid antagonist if the person administers the opioid antagonist:

1. In good faith to treat a person who he or she reasonably believes to be experiencing an overdose;
2. Outside of a hospital or medical office; and

3. Without the expectation of receiving or intending to seek compensation for such service and acts.

**III. MEMBER RESPONSIBILITIES**

- A. Members shall summon emergency medical treatment for any person who is or is reasonably believed to be experiencing an overdose.
- B. Members responding to a call for an overdose may make arrests or conduct an investigation of individuals at the scene if the members cannot determine that the facts at the scene of the overdose meet the protections granted under the law.
- C. Members shall seize any narcotics or other contraband located and place it on the property book for destruction unless charges may be brought in which case it will be held pending further investigation.
- D. In accordance with GO-SPT-309.06 (Child Abuse and Neglect), members shall notify the D.C. Child and Family Services Agency (CFSA) in **all** instances where narcotics, weapons or hazardous material are found in a home where a child resides, regardless of whether the child is present at the time, or if these items are located in a vehicle occupied by a child.
- E. Members **shall not** arrest a person who meets the criteria under Protected Person and whose conduct is included in Part II.B of this circular.

  
Cathy L. Lanier  
Chief of Police