

**AMENDMENT TO H.R. 467, AS REPORTED  
OFFERED BY MS. BLUNT ROCHESTER OF  
DELAWARE**

At the end of the bill, add the following:

**1 SEC. 7. GOOD SAMARITAN IMMUNITY.**

2 (a) IN GENERAL.—Part B of title II of the Public  
3 Health Service Act is amended by inserting after section  
4 248 of such Act (42 U.S.C. 238q) the following:

**5 “SEC. 249. GOOD SAMARITAN IMMUNITY.**

6 “(a) LIMITATION ON CIVIL LIABILITY FOR INDIVID-  
7 UALS WHO ADMINISTER OPIOID OVERDOSE REVERSAL  
8 DRUGS.—

9 “(1) IN GENERAL.—Notwithstanding any other  
10 provision of law, except as provided in paragraph  
11 (2), no individual shall be liable in any Federal or  
12 State proceeding for harm caused by the emergency  
13 administration of an opioid overdose reversal drug to  
14 an individual who has or reasonably appears to have  
15 suffered an overdose from heroin or another opioid,  
16 if the individual who administers the opioid overdose  
17 reversal drug does so in good faith.

18 “(2) EXCEPTION.—Paragraph (1) shall not  
19 apply to an individual if the harm was caused by the

1 gross negligence or reckless misconduct of the indi-  
2 vidual who administers the drug.

3 “(3) DEFINITIONS.—In this subsection:

4 “(A) The term ‘health care professional’  
5 means a person licensed by a State to prescribe  
6 prescription drugs.

7 “(B) The term ‘opioid overdose reversal  
8 drug’ means a drug approved under section 505  
9 of the Federal Food, Drug, and Cosmetic Act  
10 that is indicated for the partial or complete re-  
11 versal of the pharmacological effects of an  
12 opioid overdose in the human body.

13 “(C) The term ‘opioid overdose prevention  
14 program’ means a program operated by a local  
15 health department, harm reduction or other  
16 community-based organization, substance abuse  
17 treatment organization, law enforcement agen-  
18 cy, fire department, other first responder de-  
19 partment, or voluntary association, or a pro-  
20 gram funded by a Federal, State, or local gov-  
21 ernment, that works to prevent opioid overdoses  
22 by in part providing opioid overdose reversal  
23 drugs and education—

24 “(i) to individuals at risk of experi-  
25 encing an opioid overdose; or

1                   “(ii) to an individual in a position to  
2                   assist another individual at risk of experi-  
3                   encing an opioid overdose.

4           “(b) IMMUNITY FROM LIABILITY.—

5                   “(1) IN GENERAL.—An individual who, in good  
6                   faith and in a timely manner—

7                   “(A) seeks medical assistance for another  
8                   individual who is experiencing a drug overdose,  
9                   or

10                   “(B) seeks medical assistance for himself  
11                   or herself for a drug overdose, or is the subject  
12                   of a request for medical assistance described in  
13                   subparagraph (A),

14                   shall not be cited, arrested, prosecuted, criminally  
15                   liable, or subject to any sanction for a violation of  
16                   a condition of supervised release under section 404  
17                   of the Controlled Substances Act for the possession  
18                   or use of a controlled substance, or under any other  
19                   provision of Federal law regulating the misuse of  
20                   prescription drugs, as a result of seeking such med-  
21                   ical assistance.

22                   “(2) PREEMPTION.—This subsection preempts  
23                   the laws of a State or any political subdivision of a  
24                   State to the extent that such laws are inconsistent

1 with this section, unless such laws provide greater  
2 protection from liability.

3 “(3) DEFINITIONS.—In this section:

4 “(A) The term ‘controlled substance’ has  
5 the meaning given the term in section 102 of  
6 the Controlled Substances Act.

7 “(B) The term ‘drug overdose’ means an  
8 acute condition resulting from or believed to be  
9 resulting from the use of a controlled sub-  
10 stance, which an individual, who is not a health  
11 care professional, would reasonably believe re-  
12 quires medical assistance.

13 “(C) The term ‘prescription drug’ means a  
14 drug subject to section 503(b)(1) of the Federal  
15 Food, Drug, and Cosmetic Act.

16 “(D) The terms ‘seeks medical assistance’  
17 and ‘seeking such medical assistance’ include—

18 “(i) reporting a drug or alcohol over-  
19 dose or other medical emergency to a law  
20 enforcement authority, the 9–1–1 system,  
21 a poison control center, or a medical pro-  
22 vider;

23 “(ii) assisting another individual who  
24 is making a report described in clause (i);  
25 or

1                   “(iii) providing care to someone who  
2                   is experiencing a drug or alcohol overdose  
3                   or other medical emergency while awaiting  
4                   the arrival of medical assistance.”.

5           (b) PUBLIC AWARENESS CAMPAIGN.—The Secretary  
6 of Health and Human Services, in coordination with the  
7 Administrator of the Drug Enforcement Administration,  
8 shall carry out a campaign to increase public awareness  
9 of the limitations on civil and criminal liability established  
10 by section 249 of the Public Health Service Act, as added  
11 by subsection (a).

