

Understanding California's 911 Good Samaritan Law

March 1, 2013

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On January 1, 2013, California became the tenth state to implement a 911 Good Samaritan overdose fatality prevention law. This law is designed to encourage people to quickly seek medical care for an overdose victim by providing limited protection from arrest, charge and/or prosecution for low-level drug law violations. DPA and our allies spearheaded the passage of this law – and we are now working throughout the state to ensure its effective implementation.

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On January 1, 2013, California became the tenth state to implement a "911 Good Samaritan" overdose fatality prevention law.

It's likely that you know someone who has been affected by accidental overdose – since it is a leading cause of accidental death in California. According to the California Department of Public Health, more Californians died from an accidental overdose death in 2009 than from motor vehicle accidents.

Many of these deaths are preventable, yet people often fear arrest if they call 911 for help at the scene of a suspected drug overdose. 911 Good Samaritan laws are designed to encourage people to quickly seek medical care for the overdose victim by providing limited protection from arrest, charge and/or prosecution for low-level drug law violations.

AB 472, California's 911 Good Samaritan law, states:

"It shall not be a crime for any person who experiences a drug-related overdose, as defined, who, in good faith, seeks medical assistance, or any other person who, in good faith, seeks medical assistance for the person experiencing a drug-related overdose, to be under the influence of, or to possess for personal use, a controlled substance, controlled substance analog, or drug paraphernalia, under certain circumstances related to a drug-related overdose that prompted seeking medical assistance if that person does not obstruct medical or law enforcement personnel."

The law does not affect laws prohibiting the selling, providing, giving or exchanging of drugs, or laws prohibiting the forcible administration of drugs against a person's will. The law does not affect liability for any

consumption of controlled substances, including, but not limited to, driving under the influence. The law also does not offer specific protections from arrest for related charges, such as violation of parole or probation.

California's 911 Good Samaritan Law provides limited protection from arrest, charge and prosecution for people who seek emergency medical assistance at the scene of a suspected drug overdose.

People seeking the protections provided by the law must not obstruct medical or law enforcement personnel, including efforts to secure the scene or deliver medical assistance.

While the definition of "possess for personal use" may vary, the law is designed to protect people who possess small amounts of drugs not in quantities that would suggest trafficking or sales. A similar law to protect minors from alcohol-related charges was passed in California in 2010 (AB 1999, Portantino).

Other states with 911 Good Samaritan laws include: New Mexico (2007), Washington (2010), Connecticut (2011), New York (2011), Colorado (2012), Illinois (2012), Florida (2012), Massachusetts (2012), Rhode Island (2012), as well as the District of Columbia (2012).

California's 911 Good Samaritan law was supported by a variety of organizations, including the California Society of Addiction Medicine, the Health Officers Association and the ACLU.

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