
SENATE BILL No. 418

AM041801 has been incorporated into introduced printing.

Synopsis: Emergency medical assistance.

M
e
r
g
e
d

2023

IN 418—LS 6829/DI 77



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

Introduced

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

M
e
r
g
e
d

SENATE BILL No. 418

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 7.1-5-1-6.5, AS AMENDED BY P.L.156-2014,
 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2023]: Sec. 6.5. (a) A law enforcement officer may not take
 4 a person into custody based solely on the commission of an offense
 5 involving alcohol described in subsection (b) if the law enforcement
 6 officer, after making a reasonable determination and considering the
 7 facts and surrounding circumstances, reasonably believes that all of the
 8 following apply:
 9 (1) The law enforcement officer has contact with the person
 10 because the person:
 11 (A) either:
 12 (i) requested emergency medical assistance; or
 13 (ii) acted in concert with another person who requested
 14 emergency medical assistance;
 15 for an individual who reasonably appeared to be in need of



- 1 medical assistance;
 2 (B) is the victim of a reported sex offense (as defined in
 3 IC 11-8-8-5.2); or
 4 (C) witnessed and reported what the person reasonably
 5 believed to be a crime.
 6 (2) The person described in subdivision (1)(A), (1)(B), or (1)(C):
 7 (A) provided:
 8 (i) the person's full name; and
 9 (ii) any other relevant information requested by the law
 10 enforcement officer; and
 11 (B) in the case of a person described in subdivision (1)(A):
 12 (i) remained at the scene with the individual who
 13 reasonably appeared to be in need of medical
 14 assistance until emergency medical assistance arrived;
 15 and
 16 (ii) cooperated with emergency medical assistance
 17 personnel and law enforcement officers at the scene.
 18 (b) A person who meets the criteria of subsection (a)(1) and (a)(2)
 19 **or who is the person for whom emergency medical assistance was**
 20 **requested** is immune from criminal prosecution for an offense under:
 21 (1) section 3 of this chapter if the offense involved a state of
 22 intoxication caused by the person's use of alcohol;
 23 (2) section 6 of this chapter if the offense involved the person
 24 being, or becoming, intoxicated as a result of the person's use of
 25 alcohol; and
 26 (3) IC 7.1-5-7-7.
 27 (c) A person may not initiate or maintain an action against a law
 28 enforcement officer based on the officer's compliance or failure to
 29 comply with this section.
 30 SECTION 2. IC 16-42-27-2, AS AMENDED BY P.L.80-2019,
 31 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2023]: Sec. 2. (a) A prescriber may, directly or by standing
 33 order, prescribe or dispense an overdose intervention drug without
 34 examining the individual to whom it may be administered if all of the
 35 following conditions are met:
 36 (1) The overdose intervention drug is dispensed or prescribed to:
 37 (A) a person at risk of experiencing an opioid-related
 38 overdose; or
 39 (B) a family member, a friend, or any other individual or
 40 entity in a position to assist an individual who, there is
 41 reason to believe, is at risk of experiencing an

M
e
r
g
e
d

- 1 opioid-related overdose.
- 2 (2) The prescriber instructs the individual receiving the overdose
- 3 intervention drug or prescription to summon emergency services
- 4 either immediately before or immediately after administering the
- 5 overdose intervention drug to an individual experiencing an
- 6 opioid-related overdose.
- 7 (3) The prescriber provides education and training on drug
- 8 overdose response and treatment, including the administration of
- 9 an overdose intervention drug.
- 10 (4) The prescriber provides drug addiction treatment information
- 11 and referrals to drug treatment programs, including programs in
- 12 the local area and programs that offer medication assisted
- 13 treatment that includes a federal Food and Drug Administration
- 14 approved long acting, nonaddictive medication for the treatment
- 15 of opioid or alcohol dependence.
- 16 (b) A prescriber may provide a prescription of an overdose
- 17 intervention drug to an individual as a part of the individual's addiction
- 18 treatment plan.
- 19 (c) An individual described in subsection (a)(1) may administer an
- 20 overdose intervention drug to an individual who is suffering from an
- 21 overdose.
- 22 (d) An individual described in subsection (a)(1) may not be
- 23 considered to be practicing medicine without a license in violation of
- 24 IC 25-22.5-8-2, if the individual, acting in good faith, does the
- 25 following:
 - 26 (1) Obtains the overdose intervention drug from a prescriber or
 - 27 entity acting under a standing order issued by a prescriber.
 - 28 (2) Administers the overdose intervention drug to an individual
 - 29 who is experiencing an apparent opioid-related overdose.
 - 30 (3) Attempts to summon emergency services either immediately
 - 31 before or immediately after administering the overdose
 - 32 intervention drug.
- 33 (e) An entity acting under a standing order issued by a prescriber
- 34 must do the following:
 - 35 (1) Annually register with either the:
 - 36 (A) state department; or
 - 37 (B) local health department in the county where services
 - 38 will be provided by the entity;
 - 39 in a manner prescribed by the state department.
 - 40 (2) Provide education and training on drug overdose response
 - 41 and treatment, including the administration of an overdose

M
e
r
g
e
d



- 1 intervention drug.
- 2 (3) Provide drug addiction treatment information and referrals to
- 3 drug treatment programs, including programs in the local area
- 4 and programs that offer medication assisted treatment that
- 5 includes a federal Food and Drug Administration approved long
- 6 acting, nonaddictive medication for the treatment of opioid or
- 7 alcohol dependence.
- 8 (4) Submit an annual report to the state department containing:
- 9 (A) the number of sales of the overdose intervention drug
- 10 dispensed;
- 11 (B) the dates of sale of the overdose intervention drug
- 12 dispensed; and
- 13 (C) any additional information requested by the state
- 14 department.
- 15 (f) The state department shall ensure that a statewide standing
- 16 order for the dispensing of an overdose intervention drug in Indiana is
- 17 issued under this section. The state health commissioner or a
- 18 designated public health authority who is a licensed prescriber may, as
- 19 part of the individual's official capacity, issue a statewide standing
- 20 order that may be used for the dispensing of an overdose intervention
- 21 drug under this section. The immunity provided in IC 34-13-3-3 applies
- 22 to an individual described in this subsection.
- 23 (g) **This subsection does not apply to an individual who**
- 24 **provides illegal drugs to the individual who requires emergency**
- 25 **medical assistance.** A law enforcement officer may not take an
- 26 individual into custody based solely on the commission of an offense
- 27 described in subsection (h), if the law enforcement officer, after
- 28 making a reasonable determination and considering the facts and
- 29 surrounding circumstances, reasonably believes that the individual
- 30 **performed the following actions:**
- 31 (1) **Satisfied either of the following conditions:**
- 32 (A) **The individual:**
- 33 (i) obtained the overdose intervention drug as
- 34 described in subsection (a)(1);
- 35 ~~(ii)~~ (ii) complied with the provisions in subsection (d);
- 36 **and**
- 37 ~~(iii)~~ (iii) administered an overdose intervention drug to
- 38 an individual who appeared to be experiencing an
- 39 opioid-related overdose.
- 40 (B) **The individual:**
- 41 (i) **requested emergency medical assistance; or**

M
e
r
g
e
d

1 (ii) acted in concert with another individual who
2 requested emergency medical assistance;
3 for an individual who reasonably appeared to be in need
4 of medical assistance.

5 ~~(4)~~ (2) Provided:
6 (A) the individual's full name; and
7 (B) any other relevant information requested by the law
8 enforcement officer.

9 ~~(5)~~ (3) Remained at the scene with the individual who
10 reasonably appeared to be in need of medical assistance until
11 emergency medical assistance arrived.

12 ~~(6)~~ (4) Cooperated with emergency medical assistance personnel
13 and law enforcement officers at the scene. ~~and~~

14 ~~(7)~~ (5) Came into contact with law enforcement because the
15 individual requested emergency medical assistance for another
16 individual who appeared to be experiencing an opioid-related
17 overdose.

18 (h) An individual who meets the criteria in subsection (g) or an
19 individual who was administered an overdose intervention drug or
20 needed emergency medical assistance is immune from criminal
21 prosecution for the following, unless the individual provided illegal
22 drugs to the individual who requires emergency medical
23 assistance:

- 24 (1) IC 35-48-4-6 (possession of cocaine).
- 25 (2) IC 35-48-4-6.1 (possession of methamphetamine).
- 26 (3) IC 35-48-4-7 (possession of a controlled substance).
- 27 (4) IC 35-48-4-8.3 (possession of paraphernalia).
- 28 (5) IC 35-48-4-11 (possession of marijuana).
- 29 (6) An offense under IC 35-48-4 involving possession of a
30 synthetic drug (as defined in IC 35-31.5-2-321), possession of a
31 controlled substance analog (as defined in IC 35-48-1-9.3), or
32 possession of a substance represented to be a controlled
33 substance (as described in IC 35-48-4-4.6).

34 SECTION 3. IC 35-38-1-7.1, AS AMENDED BY P.L.5-2019,
35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2023]: Sec. 7.1. (a) In determining what sentence to impose
37 for a crime, the court may consider the following aggravating
38 circumstances:

- 39 (1) The harm, injury, loss, or damage suffered by the victim of
40 an offense was:
41 (A) significant; and

M
e
r
g
e
d



- 1 (B) greater than the elements necessary to prove the
 2 commission of the offense.
- 3 (2) The person has a history of criminal or delinquent behavior.
- 4 (3) The victim of the offense was less than twelve (12) years of
 5 age or at least sixty-five (65) years of age at the time the person
 6 committed the offense.
- 7 (4) The person:
- 8 (A) committed a crime of violence (IC 35-50-1-2); and
 9 (B) knowingly committed the offense in the presence or
 10 within hearing of an individual who:
- 11 (i) was less than eighteen (18) years of age at the time
 12 the person committed the offense; and
 13 (ii) is not the victim of the offense.
- 14 (5) The person violated a protective order issued against the
 15 person under IC 34-26-5 (or IC 31-1-11.5, IC 34-26-2, or
 16 IC 34-4-5.1 before their repeal), a workplace violence restraining
 17 order issued against the person under IC 34-26-6, or a no contact
 18 order issued against the person.
- 19 (6) The person has recently violated the conditions of any
 20 probation, parole, pardon, community corrections placement, or
 21 pretrial release granted to the person.
- 22 (7) The victim of the offense was:
- 23 (A) a person with a disability (as defined in IC 27-7-6-12),
 24 and the defendant knew or should have known that the
 25 victim was a person with a disability; or
 26 (B) mentally or physically infirm.
- 27 (8) The person was in a position having care, custody, or control
 28 of the victim of the offense.
- 29 (9) The injury to or death of the victim of the offense was the
 30 result of shaken baby syndrome (as defined in IC 16-41-40-2).
- 31 (10) The person threatened to harm the victim of the offense or
 32 a witness if the victim or witness told anyone about the offense.
- 33 (11) The person:
- 34 (A) committed trafficking with an inmate under
 35 IC 35-44.1-3-5; and
 36 (B) is an employee of the penal facility.
- 37 (12) The person committed the offense with bias due to the
 38 victim's or the group's real or perceived characteristic, trait,
 39 belief, practice, association, or other attribute the court chooses
 40 to consider, including but not limited to an attribute described in
 41 IC 10-13-3-1.

M
e
r
g
e
d

1 (b) The court may consider the following factors as mitigating
2 circumstances or as favoring suspending the sentence and imposing
3 probation:

4 (1) The crime neither caused nor threatened serious harm to
5 persons or property, or the person did not contemplate that it
6 would do so.

7 (2) The crime was the result of circumstances unlikely to recur.

8 (3) The victim of the crime induced or facilitated the offense.

9 (4) There are substantial grounds tending to excuse or justify the
10 crime, though failing to establish a defense.

11 (5) The person acted under strong provocation.

12 (6) The person has no history of delinquency or criminal activity,
13 or the person has led a law-abiding life for a substantial period
14 before commission of the crime.

15 (7) The person is likely to respond affirmatively to probation or
16 short term imprisonment.

17 (8) The character and attitudes of the person indicate that the
18 person is unlikely to commit another crime.

19 (9) The person has made or will make restitution to the victim of
20 the crime for the injury, damage, or loss sustained.

21 (10) Imprisonment of the person will result in undue hardship to
22 the person or the dependents of the person.

23 (11) The person was convicted of a crime involving the use of
24 force against a person who had repeatedly inflicted physical or
25 sexual abuse upon the convicted person and evidence shows that
26 the convicted person suffered from the effects of battery as a
27 result of the past course of conduct of the individual who is the
28 victim of the crime for which the person was convicted.

29 (12) The person was convicted of a crime relating to **alcohol or**
30 a controlled substance and the person's arrest or prosecution was
31 facilitated in part because the person:

32 (A) requested emergency medical assistance; or

33 (B) acted in concert with another person who requested
34 emergency medical assistance;

35 for an individual who reasonably appeared to be in need of
36 medical assistance due to the use of alcohol or a controlled
37 substance.

38 (13) The person has posttraumatic stress disorder, traumatic
39 brain injury, or a postconcussive brain injury.

40 **(14) The person was convicted of a crime relating to the**
41 **possession of alcohol or a controlled substance and the**

M
e
r
g
e
d



1 **person's arrest or prosecution was facilitated in part because**
 2 **another person requested emergency medical assistance for**
 3 **the person.**
 4 (c) The criteria listed in subsections (a) and (b) do not limit the
 5 matters that the court may consider in determining the sentence.
 6 (d) A court may impose any sentence that is:
 7 (1) authorized by statute; and
 8 (2) permissible under the Constitution of the State of Indiana;
 9 regardless of the presence or absence of aggravating circumstances or
 10 mitigating circumstances.
 11 (e) If a court suspends a sentence and orders probation for a person
 12 described in subsection (b)(13), the court may require the person to
 13 receive treatment for the person's injuries.

M
e
r
g
e
d

