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# SENATE BILL No. 418

AM041804 has been incorporated into introduced printing.

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**Synopsis:** Emergency medical assistance.

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2023

IN 418—LS 6829/DI 77



**DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY**

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.

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# 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 **less than twenty-five (25) years of age** into custody based  
 5 solely on the commission of an offense involving alcohol described in  
 6 subsection (b) if the law enforcement officer, after making a reasonable  
 7 determination and considering the facts and surrounding  
 8 circumstances, reasonably believes that all of the 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) **This subsection does not apply to a person who was at least**
- 19 **twenty-five (25) years of age at the time of the offense.** A person
- 20 who meets the criteria of subsection (a)(1) and (a)(2) **or who is the**
- 21 **person for whom emergency medical assistance was requested** is
- 22 immune from criminal prosecution for an offense under:
- 23 (1) section 3 of this chapter if the offense involved a state of
- 24 intoxication caused by the person's use of alcohol;
- 25 (2) section 6 of this chapter if the offense involved the person
- 26 being, or becoming, intoxicated as a result of the person's use of
- 27 alcohol; and
- 28 (3) IC 7.1-5-7-7.
- 29 (c) A person may not initiate or maintain an action against a law
- 30 enforcement officer based on the officer's compliance or failure to
- 31 comply with this section.
- 32 SECTION 2. IC 16-42-27-2, AS AMENDED BY P.L.80-2019,
- 33 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 34 JULY 1, 2023]: Sec. 2. (a) A prescriber may, directly or by standing
- 35 order, prescribe or dispense an overdose intervention drug without
- 36 examining the individual to whom it may be administered if all of the
- 37 following conditions are met:
- 38 (1) The overdose intervention drug is dispensed or prescribed to:
- 39 (A) a person at risk of experiencing an opioid-related
- 40 overdose; or
- 41 (B) a family member, a friend, or any other individual or

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

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

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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) **This subsection does not apply to an individual who was at**  
 19 **least twenty-five (25) years of age at the time of the offense.** An  
 20 individual who meets the criteria in subsection (g) **or an individual**  
 21 **who was administered an overdose intervention drug or needed**  
 22 **emergency medical assistance** is immune from criminal prosecution  
 23 for the following:

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

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- 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.

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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**

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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.

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