

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend the Code of Virginia by adding a section numbered 18.2-251.03, relating to safe  
3 reporting of overdoses.

4 [H 1500]  
5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That the Code of Virginia is amended by adding a section numbered 18.2-251.03 as follows:**

8 **§ 18.2-251.03. Safe reporting of overdoses.**

9 *A. For purposes of this section, "overdose" means a life-threatening condition resulting from the*  
10 *consumption or use of a controlled substance, alcohol, or any combination of such substances.*

11 *B. It shall be an affirmative defense to prosecution of an individual for the unlawful purchase,*  
12 *possession, or consumption of alcohol pursuant to § 4.1-305, possession of a controlled substance*  
13 *pursuant to § 18.2-250, possession of marijuana pursuant to § 18.2-250.1, intoxication in public*  
14 *pursuant to § 18.2-388, or possession of controlled paraphernalia pursuant to § 54.1-3466 if:*

15 *1. Such individual, in good faith, seeks or obtains emergency medical attention for himself, if he is*  
16 *experiencing an overdose, or for another individual, if such other individual is experiencing an*  
17 *overdose, by contemporaneously reporting such overdose to a firefighter, as defined in § 65.2-102,*  
18 *emergency medical services personnel, as defined in § 32.1-111.1, a law-enforcement officer, as defined*  
19 *in § 9.1-101, or an emergency 911 system;*

20 *2. Such individual remains at the scene of the overdose or at any alternative location to which he or*  
21 *the person requiring emergency medical attention has been transported until a law-enforcement officer*  
22 *responds to the report of an overdose. If no law-enforcement officer is present at the scene of the*  
23 *overdose or at the alternative location, then such individual shall cooperate with law enforcement as*  
24 *otherwise set forth herein;*

25 *3. Such individual identifies himself to the law-enforcement officer who responds to the report of the*  
26 *overdose;*

27 *4. If requested by a law-enforcement officer, such individual substantially cooperates in any*  
28 *investigation of any criminal offense reasonably related to the controlled substance, alcohol, or*  
29 *combination of such substances that resulted in the overdose; and*

30 *5. The evidence for the prosecution of an offense enumerated in this subsection was obtained as a*  
31 *result of the individual seeking or obtaining emergency medical attention.*

32 *C. No individual may assert the affirmative defense provided for in this section if the person sought*  
33 *or obtained emergency medical attention for himself or another individual during the execution of a*  
34 *search warrant or during the conduct of a lawful search or a lawful arrest.*

35 *D. This section does not establish an affirmative defense for any individual or offense other than*  
36 *those listed in subsection B.*