

STATE OF NEW YORK

6869

2021-2022 Regular Sessions

IN ASSEMBLY

April 13, 2021

Introduced by M. of A. GALEF -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the failure to seek medical attention for a drug or alcohol overdose

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The penal law is amended by adding a new section 220.79 to
2 read as follows:

3 § 220.79 Failure to seek medical attention for an overdose.

4 1. A person is guilty of failure to seek medical attention for an
5 overdose when he or she witnesses a drug or alcohol overdose and fails
6 to make a reasonable effort to seek health care for someone who is expe-
7 riencing a drug or alcohol overdose or other life threatening medical
8 emergency.

9 2. For the purposes of this section:

10 (a) "Drug or alcohol overdose" or "overdose" means an acute condition
11 including, but not limited to, physical illness, coma, mania, hysteria
12 or death, which is the result of consumption or use of a controlled
13 substance or alcohol and relates to an adverse reaction to or the quan-
14 tity of the controlled substance or alcohol or a substance with which
15 the controlled substance or alcohol was combined; provided that a
16 patient's condition shall be deemed to be a drug or alcohol overdose if
17 a prudent layperson, possessing an average knowledge of medicine and
18 health, could reasonably believe that the condition is in fact a drug or
19 alcohol overdose and (except as to death) requires health care.

20 (b) "Health care" means the professional services provided to a person
21 experiencing a drug or alcohol overdose by a health care professional
22 licensed, registered or certified under title eight of the education law
23 or article thirty of the public health law who, acting within his or her
24 lawful scope of practice, may provide diagnosis, treatment or emergency
25 services for a person experiencing a drug or alcohol overdose.

26 Failure to seek medical attention for an overdose shall be a class B
27 misdemeanor.

28 § 2. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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