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:

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

§ 220.79 Failure to seek medical attention for an overdose.

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

2. For the purposes of this section:

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

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

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

§ 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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