



Good Samaritan vs. Drug Induced Homicide Law in Nevada



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Relevant Statutes



NRS
453C.150

NRS
453.333



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The Role of Good Samaritan Laws in Life-Saving Situations



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Good Samaritan Eligibility

A person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks assistance for himself or herself or who is the subject of a good faith request for such assistance.

The law defines the phrase “drug or alcohol overdose” as a condition resulting from the use of a controlled substance, alcohol, or another substance in combination with one of these.

Controlled Substance Crimes

An eligible person may not be arrested, charged, prosecuted, or convicted for the offense of:

- Possession of a controlled substance, unless it is for the purpose of sale or trafficking
 - NRS 453.336
- Use of a controlled substance
 - NRS 453.336

Drug Paraphernalia Crimes

An eligible person may not be arrested, charged, prosecuted, or convicted for the offense of:

- Unlawful use or possession of drug paraphernalia
 - NRS 453.566

Other Crimes/Violations

An eligible person may not:

- Be penalized for violating a restraining order
- Be penalized for violating a condition of the person's parole or probation
- Have property subjected to forfeiture
- Be penalized under a local ordinance that establishes an offense similar to NRS 453.336 (possession of controlled substance)

Requirements for Immunity



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Evidence to support arrest, charge, prosecution, conviction, seizure, or penalty must have been obtained as a result of the person seeking medical assistance

A person must seek medical assistance for the person experiencing an overdose or other medical emergency



What is Medical Assistance?

Reports medical emergency or overdose to:

- Law enforcement agency
- A 911 emergency service
- A poison control center
- A medical facility
- Provider of emergency medical services

What is Medical Assistance?

Assists another person making such a report,

Provides care to a person who is experiencing an overdose or medical emergency while awaiting arrival of medical assistance,

Delivers a person who is experiencing overdose or medical emergency to a medical facility and notifies the appropriate authorities



Drug Induced Homicide Law



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When does it apply?

When a death is proximately caused by a controlled substance which was sold, traded, or otherwise made available to a person in violation of Chapter 453.

Conflict between statutes

Is there a conflict between the two laws when a drug proximately causes death where drug was otherwise made available to a person in violation of Chapter 453?



Can Good Samaritan Laws be Strengthened?



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Navigating Good Samaritan Law



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Questions?



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