**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63‑19‑2470 SO AS TO PROVIDE IMMUNITY FROM CERTAIN CHARGES RELATED TO THE UNLAWFUL PURCHASE, CONSUMPTION, OR POSSESSION OF ALCOHOL BY A PERSON UNDER AGE TWENTY‑ONE FOR A PERSON WHO SEEKS MEDICAL ASSISTANCE FOR AN ALCOHOL‑RELATED OVERDOSE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 23, Chapter 19, Title 63 of the 1976 Code is amended by adding:

“Section 63‑19‑2470. (A) As used in this section, the term:

(1) ‘Alcohol‑related overdose’ means an acute condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, mania, or death, resulting from the consumption or use of alcohol for which medical assistance is required.

(2) ‘Medical assistance’ means aid provided to a person believed to be experiencing an alcohol related overdose by a health care professional licensed, registered, or certified under the laws of this State who, when acting within his lawful scope of practice, may provide diagnosis, treatment, or emergency services related to an alcohol‑related overdose.

(3) ‘Seeks medical assistance’ means accessing or assisting in accessing the 9‑1‑1 system, contacting or assisting in contacting law enforcement or a poison control center, or providing care to a person experiencing or believed to be experiencing an alcohol‑related overdose while awaiting the arrival of medical assistance.

(B) A person who, in good faith, seeks medical assistance for someone who is experiencing an alcohol‑related overdose may not be arrested, charged, or prosecuted for a violation of Section 63‑19‑2440 or 63‑19‑2450 if the evidence for the arrest, charge, or prosecution resulted from seeking medical assistance. A person who is experiencing an alcohol‑related overdose and, in good faith, seeks medical assistance for himself may not be arrested, charged or prosecuted for a violation of Section 63‑19‑2440 or 63‑19‑2450 if the evidence for the arrest, charge, or prosecution resulted from seeking medical assistance. In addition, a person who seeks medical assistance pursuant to the provisions of this section is not subject to sanctions for a violation of a condition of pretrial release, condition of probation, or condition of parole based on a violation of Section 63‑19‑2440 or 63‑19‑2450.

(C) Nothing in this section may be construed to limit the admissibility of evidence obtained in connection with the investigation for prosecution of a crime with regard to a defendant who does not qualify for the protections of this section or with regard to other crimes committed by a person who qualifies for protection pursuant to this section. Nothing in this section may be construed to limit the authority of a law enforcement officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in this section.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor.

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