

REQUEST FOR EMERGENCY MEDICAL ASSISTANCE

AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Ronda Rudd Menlove

LONG TITLE

General Description:

This bill modifies the Alcoholic Beverage Control Act regarding immunity from specified provisions concerning consuming and supplying alcohol.

Highlighted Provisions:

This bill:

- provides that if a person is unlawfully intoxicated or provides alcohol to a minor, and the person seeks emergency assistance for a third party due to that party's consumption of alcohol, the person is immune from prosecution under specified circumstances, including if the person provides the person's identity and cooperates with emergency personnel and peace officers.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

32B-4-423, Utah Code Annotated 1953

REPEALS:

32B-4-210, as enacted by Laws of Utah 2010, Chapter 329

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **32B-4-423** is enacted to read:

32B-4-423. Immunity regarding alcohol consumption offenses when seeking emergency aid for another person.

(1) A law enforcement officer may not cite or arrest a person solely because of a person's violation of a provision under Subsection (2) if the officer came into contact with the person because:

(a) the person had requested or acted in concert with another person to request emergency medical assistance for a third party who reasonably appeared to be in need of medical care due to the consumption of alcohol;

(b) the officer was responding to the request for emergency medical assistance;

(c) the person provided to the officer the person's name and identifying information as requested by the officer;

(d) the person remained at the location where the third party was located until emergency medical response personnel arrived at the location; and

(e) the person cooperated with the emergency medical assistance personnel and law enforcement officers at the location.

(2) Offenses referred to in Subsection (1) are violations of:

(a) Section 32B-4-403 regarding the unlawful sale, offer for sale, or furnishing of alcohol to a minor;

(b) Subsection 32B-4-409(1) regarding the unlawful purchase, possession, or consumption of alcohol by a minor; and

(c) Subsection 76-9-701(1) regarding intoxication when the offense involves consumption of alcohol.

(3) An officer who declines to cite or arrest a person while acting in good faith under Subsection (1) is not civilly liable.

Section 2. **Repealer.**

This bill repeals:

Section **32B-4-210, Sentencing considerations.**

