

GOOD SAMARITAN LAW

Alcohol and Drug Prevention and Clemency Act

W. Va. Code §16-47-1 *et seq.*

What does this law do?

When a person sees another person experiencing what reasonably appears to be an overdose, if they quickly seek medical help, they may not be held criminally responsible for:

- Buying, obtaining through misrepresentation, possessing, or consuming alcohol by a person who is underage;
- Possessing controlled substances;
- Public intoxication; or
- Unlawfully drinking in a public place or in a private vehicle.

Who does this law apply to and when?

To receive limited immunity under this law, a person must:

- Believe the person in need of medical assistance is experiencing an overdose;
- Quickly seek medical care from a licensed, registered, or certified healthcare professionals acting within their scope of practice who can provide care under this law;
- Remain with the person who has overdosed until medical service providers arrive;
- Identify themselves to authorities if asked to do so;
- Cooperate with authorities, including by providing information; or
- ***Immunity may also apply to the person experiencing the overdose event if they complete SUD treatment approved by the court.***

Exceptions:

- The law does not provide immunity for criminal penalties related to knowingly selling alcohol to an underaged person and does not provide immunity for civil lawsuits related to violations of West Virginia laws.

dhr.wv.gov/office-of-drug-control-policy