

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.

Enacted by Chapter 169, 2013 General Session