

1 **REQUEST FOR EMERGENCY MEDICAL ASSISTANCE**

2 **AMENDMENTS**

3 2013 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Curtis S. Bramble**

6 House Sponsor: Ronda Rudd Menlove

7

8 **LONG TITLE**

9 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

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

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 ENACTS:

25 **32B-4-423**, Utah Code Annotated 1953

26 REPEALS:

27 **32B-4-210**, as enacted by Laws of Utah 2010, Chapter 329



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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.

Legislative Review Note
as of 2-18-13 6:01 AM

Office of Legislative Research and General Counsel