

New Hampshire's Good Samaritan Law (Drug Overdoses) - RSA 318-B:28-b

Why does New Hampshire have a Good Samaritan Law?

The New Hampshire legislature enacted RSA 318-B:28-b in September, 2015, with an intent to encourage a witness or a victim of a drug overdose to request medical assistance in order to save the life of an overdose victim by establishing a state policy of protecting the witness or victim from arrest, prosecution, and conviction for the crime of possession of the controlled drug that is the agent of the overdose.

RSA 318-B:28-b provides immunity from arrest, prosecution, or conviction for possessing, or having under his or her control, a controlled drug in violation of RSA 318-B:2, where medical assistance has been requested for someone experiencing an overdose.

Who is protected by New Hampshire's Good Samaritan Law?

Everyone – regardless of age. New Hampshire's Good Samaritan Law protects both the victim of an overdose and a witness to a drug overdose who, in good faith, requests medical assistance in a timely manner, from arrest, prosecution and conviction for possessing, or having under his or her control, a controlled drug in violation of RSA 318-B:2, if the evidence for the charge was gained as a proximate result of the request for medical assistance.

What is not protected under New Hampshire's Good Samaritan Law?

New Hampshire's Good Samaritan Law does not:

- Limit the admissibility of evidence in connection with the investigation or prosecution of a crime involving a person who is not protected under this law.
- Limit the lawful seizure of any evidence or contraband.
- Limit or abridge the authority of a law enforcement officer to detain or place into custody a person as part of a criminal investigation, or to arrest a person for an offense not protected by this law.

What are the signs of an overdose?

According to the Centers for Disease Control (CDC), the following are signs of an overdose. Call **911** if the person:

- Has small, constricted "pinpoint pupils"
- Is falling asleep or suffers loss of consciousness
- Is not breathing or is breathing very slowly
- Is choking or making gurgling sounds
- Has lips that are blue or grayish color
- Has a limp body

For more information, please click the link to CDC's webpage:

<https://www.cdc.gov/drugoverdose/pdf/patients/Preventing-an-Opioid-Overdose-Tip-Card-a.pdf>

To read the statutory language, please click on this link: [Section 318-B:28-b Immunity From Liability. \(state.nh.us\)](#)