

ORDINANCE NUMBER 70311

1 **BOARD BILL NO. 40 INTRODUCED BY ALDERWOMEN CARA SPENCER,**
2 **LYDA KREWSON, ALDERMAN JOSEPH VACCARO, ALDERMAN SCOTT**
3 **OGILVIE, ALDERWOMAN CAROL HOWARD, ALDERMAN CHRIS CARTER,**
4 **ALDERWOMAN MEGAN GREEN, ALDERMAN FRANK WILLIAMSON,**
5 **ALDERMAN KENNETH ORTMANN, ALDERMAN SHANE COHN**

6 An Ordinance pertaining to drug-related overdoses and medical assistance;
7 immunity from prosecution for possession or control; and containing definitions and an
8 emergency clause.

9 **WHEREAS,** drug-overdose deaths are a leading cause of accidental deaths in the
10 nation and deaths have increased significantly in recent years, in Saint Louis; and

11 **WHEREAS,** the drug-overdose deaths could be substantially decreased if
12 immunity from penalty for any Section 11.60 violation of the Saint Louis Code of
13 Ordinances were granted to a person possessing the drug and drug paraphernalia who, in
14 good faith, seeks emergency medical assistance for someone experiencing a drug-related
15 overdose and if this immunity were granted for the same Section 11.60 violations of the
16 Saint Louis Code of Ordinances to a person who is experiencing a drug-related overdose.

17 **WHEREAS,** a police officer has a choice between reporting a city ordinance
18 violation or a state level offense, the police officer may choose the city level offense at
19 his or her discretion.

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Board Bill No. 40 **Introduced by Alderwomen Cara Spencer, Lyda Krewson,**
Alderman Joseph Vaccaro, Alderman Scott Ogilvie, Alderwoman Carol Howard,
Alderman Chris Carter, Alderwoman Megan Green, Alderman Frank Williamson,
Alderman Kenneth Ortmann, Alderman Shane Cohn

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1 **NOW THEREFORE BE IT ORDAINED BY THE CITY OF ST. LOUIS AS**

2 **FOLLOWS:**

3 **SECTION ONE. Definitions.**

4 “Overdose” means a controlled substance-induced acute condition that results in a
5 life-threatening emergency to the individual who ingested, inhaled, injected, or otherwise
6 bodily absorbed a controlled substance.

7 **SECTION TWO. Immunity.**

8 A person who, in good faith, seeks or obtains emergency medical assistance for a
9 person experiencing an overdose or other medical emergency or for himself or herself
10 shall not be arrested, charged, prosecuted, convicted, or have his or her property subject
11 to civil forfeiture or otherwise be penalized for the following Section 11.60 violations of
12 the Saint Louis Code of Ordinances if the evidence was gained as a result of seeking or
13 obtaining emergency medical assistance:

14 (1) Possession, control, distribution, or attempted distribution of any of the
15 enumerated drugs and drug paraphernalia under Section 11.60.010, Section 11.60.070,
16 Section 11.60.080, and Section 11.60.100;

17 (2) Possession, control, distribution, or attempted distribution of any of controlled
18 substances under Section 11.60.200;

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- 1 (3) Possession, distribution, control, or attempted distribution of marijuana under
2 Section 11.60.310;
- 3 (4) Maintaining, managing or controlling premises under Section 11.60.140,
4 Section 11.60.230; and
- 5 (5) Adulterating under Section 11.60.150.

6 **SECTION THREE. Limitations.**

7 This section does not prohibit a police officer from arresting an individual person
8 for an outstanding warrant pursuant to Section 221.510.1.

9 This section does not prohibit a person from being arrested, charged, or
10 prosecuted
11 based on an offense other than an offense listed in Section 11.60, whether or not
12 the offense arises from the same circumstances as the seeking of health care.

13 The protection in this section from prosecution for possession crimes under
14 Section 11.60.150 shall not be grounds for suppression of evidence or dismissal in
15 charges unrelated to this ordinance.

16 **SECTION FOUR. Resources.**

17 A person who, in good faith, seeks or obtains emergency medical assistance for a
18 person experiencing an overdose or other medical emergency or for himself or herself
19 shall not be arrested at the discretion of the police officer. Any police officer who is in

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1 contact with such person or persons should provide appropriate information and
2 resources for substance-related assistance.

3 **SECTION FIVE. Emergency clause.**

4 This being an Ordinance for the preservation of public peace, health, and safety, it
5 is hereby declared to be an emergency measure within the meaning of Sections 19 and 20
6 of Article IV of the Charter of the City of St. Louis and shall become effective
7 immediately upon its passage and approval by the mayor.

8 **SECTION SIX. Effective Date.**

9 This ordinance shall be in full force and effect from and after the date of its
10 passage and approval and shall remain in effect until amended or repealed by the Board
11 of Aldermen.

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