

SAFE HARBOR FOR UNDERAGE DRINKING VIOLATIONS

Though illegal to consume alcohol under the age of 21, a 2018 amendment to the Pennsylvania Crimes Code provides immunity for both an individual seeking medical attention for another and the individual needing medical attention due to an alcohol-related emergency.

There have been cases where an individual has abandoned another in need of medical attention to avoid the consequences of underage drinking. In these cases, it was not uncommon for the individual needing medical attention to suffer severe injuries or even death that could have been avoided had someone stayed and sought out help.

Alcohol-related injuries and deaths may include but are not limited to alcohol poisoning from overconsumption, hypothermia from being left outside in the cold and falling due to coordination loss.

Generally, there are four steps to immunity:

1.

An individual must call for emergency assistance with the belief that the individual in jeopardy requires immediate medical attention.

2.

The individual who calls believes he/she is the first to call for emergency assistance.

3.

The individual who calls provides his/her name to the 911 operator.

4.

The individual who calls stays with the individual in jeopardy until emergency assistance arrives.

Please see the reverse side of this material for an excerpt from section 6308 of the Pennsylvania Crimes Code.



ACT 80 OF 2018

§ 6308.1. SAFE HARBOR FOR VIOLATION OF SECTION 6308(A)

(a) Immunity for the individual seeking medical attention for another. An individual shall not be prosecuted for an offense under section 6308(a) (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages) if the individual can establish all of the following:

- (1) A law enforcement officer first became aware of the individual's violation of section 6308(a) because the individual placed a 911 call or contacted campus security, police or emergency services, based on a reasonable belief that another individual was in need of immediate medical attention to prevent death or serious bodily injury.
- (2) The individual reasonably believed the individual was the first individual to make a 911 call or contact campus security, police or emergency services and report that the other individual needed immediate medical attention to prevent death or serious bodily injury.
- (3) The individual provided the individual's own name to the 911 operator or equivalent campus security officer, police or emergency services personnel.
- (4) The individual remained with the other individual needing medical assistance until a campus security officer, police or emergency services personnel arrived and the need for the individual's presence ended.

(b) Immunity for the individual needing medical attention. An individual needing medical attention shall be immune under this section from prosecution for an offense under section 6308(a) if another individual reported the incident and remained with the individual needing medical attention and is entitled to immunity under this section.

For limitations, please refer to the Crimes Code.

This information is not intended to be legal advice, it conveys information pertinent to alcohol-related offenses. For more information or further clarification, please contact your local District Attorney's Office or a private attorney.

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