GA 113
This Resolution Shall Henceforth Be Known As The:

“Medical Amnesty Act”

PURPOSE

To recommend a Good Samaritan policy protecting student bystanders responding to drug-related emergencies and would-be victims, by giving them medical amnesty from academic suspension punishments.

OPENING STATEMENT

A comprehensive medical amnesty policy is a vitally important cornerstone of a modern residential research institution - it hits a crossroads of building student trust, protecting students’ health and safety, and encouraging reporting of both hazing and sexual assault cases. No student should have their academic career suspended for properly reporting violations, nor should a student risk losing their life because the institution where they live, learn, work, and grow, seeks to apply punitive measures for the transgression of responsibly responding to an emergency.

WHEREAS: Article III, Section 2 of the Constitution of The University of Texas at San Antonio’s Student Government Association reads: “The duties and responsibilities of the SGA General Assembly shall be: To review discuss, consider, and take any necessary action through legislation on all issues which concern the campus or students”; and

WHEREAS: Unintentional Drug Poisoning has surpassed Falls, Motor Vehicle Traffic, and Firearms as the leading cause of injury death in the United States, and is the leading cause of all deaths for those under 50.1; and

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WHEREAS: The opioid epidemic in the United States has grown to the point to being declared a Public Health Emergency, having cost an average of well over 50,000 deaths per year since 2014, and expected to cause over another half million American deaths in the next decade; and

WHEREAS: The UTSA Student Code of Conduct states that “The University will impose at least the minimum disciplinary sanction of suspension for a specified period of time, or suspension of rights and privileges, or both, for conduct related to the use, possession, or distribution of drugs”, subjecting students in medical emergencies to punitive suspension, and notes that under Texas Law, maximum punishment for possession (not including use, manufacture, or distribution) of drugs can include “confinement in a state prison for life or for a term not more than 99 years”; and

WHEREAS: Due to the previous clause within the Student Code of Conduct, students may be hesitant to call 911 during drug-related emergencies out of fear of implicit admission of involvement in university and legal violations, regardless of the increased likelihood of death of drug overdose from lack of immediate response; and

WHEREAS: Page 1 of the UT System’s April 2014 Recommendation from the Task Force on Hazing and Alcohol, with input from former UTSA Student Body Presidents Xavier Johnson and Zack Dunn, includes a Campus-Level recommendation to “encourage institutions to have a blended policy approach that includes amnesty policies”; and

WHEREAS: The same Task Force also advises “creating amnesty policies that encourage students to seek help for severely intoxicated or impaired students” and in addition to medical amnesty for emergencies, they recommend “promoting laws regarding immunity from prosecution to encourage students to report incidents of hazing”; and

WHEREAS: Within relevant violation reports, compliance investigations and all involved parties ought to be chiefly concerned of allegations of hazing or sexual assault, rather than student drug possession or use; and

WHEREAS: In 2016, the UT System updated its medical amnesty policy to enable all institutions in the system to expand medical amnesty to drug overdoses on campuses; and

WHEREAS: Despite this policy change, UTSA not only does not currently have a comprehensive drug amnesty policy, but does not even have an alcohol amnesty policy; and

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3 http://catalog.utsa.edu/informationbulletin/appendices/studentcodeofconduct/
4 http://catalog.utsa.edu/informationbulletin/appendices/drugfreeschools/
5 https://www.utsystem.edu/documents/docs/taskforce-reports/recommendations-task-force-hazing-and-alcohol
WHEREAS: The proposal of a medical amnesty clause would put students lives first, empowering students to quickly react and responsibly respond to emergencies instead of risking disruption of students' academic careers, as well as the health and safety of their peers.

THEREFORE BE IT RESOLVED: The University of Texas at San Antonio Student Government Association supports the implementation of a Good Samaritan policy, providing medical amnesty of disciplinary sanctions for students involved in a drug related emergencies.

THEREFORE BE IT FURTHER RESOLVED: The University of Texas at San Antonio Student Government Association additionally supports providing immunity from disciplinary sanctions for students reporting hazing and sexual assault violations.

Marcus Thomas  
President of Student Government Association  
The University of Texas at San Antonio