

[J-18-2026]
IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

TODD, C.J., DONOHUE, DOUGHERTY, WECHT, MUNDY, BROBSON, McCAFFERY, JJ.

COMMONWEALTH OF PENNSYLVANIA,	:	No. 6 WAP 2025
	:	
Appellee	:	Appeal from the Order of the
	:	Superior Court entered November
	:	20, 2024, at No. 931 WDA 2023,
v.	:	Affirming the Order of the Court of
	:	Common Pleas of Allegheny
	:	County entered June 1, 2023, at
CLIFFORD E. WILSON,	:	No. CP-02-CR-009579-2021.
	:	
Appellant	:	ARGUED: April 14, 2026

OPINION

JUSTICE MUNDY

DECIDED: AUGUST 18, 2026

This appeal by allowance involves the scope of immunity conferred by the Drug Overdose Response Immunity Act. The issue presented is whether a standard police inventory search of a vehicle to prepare it for towing is “independent” of the initial call for help, so as to permit prosecution of the driver when the search yields evidence of illegal drug possession.

I. Pennsylvania’s medical amnesty law

In 2014, Pennsylvania enacted the Drug Overdose Response Immunity Act (DORIA),¹ which added Section 13.7 to the Controlled Substance, Drug, Device and Cosmetic Act. See 35 P.S. § 780-113.7 (relating to drug overdose response immunity). Many states have similar statutes enacted in response to a nationwide opioid overdose

¹ Act of Sept. 30, 2014, P.L. 2487, No. 139.

epidemic. These are often referred to as overdose immunity or medical amnesty laws. See *Wilson v. Commonwealth*, 628 S.W.3d 132, 134 & n.2 (Ky. 2021) (noting that “medical amnesty” is preferable to “Good Samaritan” because the latter phrase describes laws that protect ordinary citizens and off-duty medical personnel from civil liability when they voluntarily step in to help someone in an emergency). Their main objective is to prioritize lifesaving intervention over low-level drug arrests by removing the fear of criminal prosecution during a medical emergency.

To this end, subsection (a) of DORIA grants immunity to a person who notifies authorities or emergency services personnel about a drug overdose event, or who transports an overdose victim to a healthcare facility or a police station:

(a) A person may not be charged and shall be immune from prosecution for any offense listed in subsection (b) and for a violation of probation or parole if the person can establish the following:

(1) law enforcement officers only became aware of the person’s commission of an offense listed in subsection (b) because the person transported a person experiencing a drug overdose event to a law enforcement agency, a campus security office or a health care facility; or

(2) all of the following apply: (i) the person reported, in good faith, a drug overdose event to a law enforcement officer, the 911 system, a campus security officer or emergency services personnel and the report was made on the reasonable belief that another person was in need of immediate medical attention and was necessary to prevent death or serious bodily injury due to a drug overdose; (ii) the person provided his own name and location and cooperated with the law enforcement officer, 911 system, campus security officer or emergency services personnel; and (iii) the person remained with the person needing immediate medical attention until a law enforcement officer, a campus security officer or emergency services personnel arrived.

35 P.S. § 780-113.7(a).

Subsection (b) lists the drug-related offenses for which the immunized person may not be prosecuted. See *id.* § 780-113.7(b). Subsection (c) gives the same immunity to

the overdose victim. See *id.* § 780-113.7(c) (“Persons experiencing drug overdose events may not be charged and shall be immune from prosecution as provided in subsection (b) if a person who transported or reported and remained with them may not be charged and is entitled to immunity under this section.”).

Immunity for the overdose victim under subsection (c) has been described as derivative of the immunity for the reporter or transporter per subsection (a). See, e.g., *Commonwealth v. Carontenuto*, 148 A.3d 448, 452-53 (Pa. Super. 2016). Derivative immunity is a useful concept in highlighting that, where the reporter or transporter and the overdose victim are not the same person, the scope of immunity for the overdose victim is ascertained by looking to the reporter’s/transporter’s immunity. Giving immunity to the overdose victim was presumably included in DORIA so that individuals would not be dissuaded from notifying emergency personnel by the victim’s potential exposure to criminal liability.

Subsection (d), which is at issue in this matter, limits immunity in relevant part as follows:

(d) The prohibition on charging or prosecuting a person as described in this section is limited in the following respects: (1) This section may not bar charging or prosecuting a person for offenses enumerated in subsection (b) if a law enforcement officer obtains information prior to or *independent of the action of seeking or obtaining emergency assistance as described in subsection (a)*. . . .

35 P.S. § 780-113.7(d)(1) (emphasis added).

II. Background

On the day in question, an off-duty paramedic in Sharpsburg, Allegheny County, stopped to attend to a single-vehicle accident in which a car had struck a construction fence. He observed that the engine was still running and Appellant, the sole occupant, was sitting unconscious in the driver’s seat with labored breathing. Unable to rouse

Appellant, the paramedic turned the car off and called 911 to report a suspected overdose. Police Officer Brett Carb responded to the dispatch, at which time the paramedic administered Narcan, causing Appellant to regain consciousness.²

Appellant told Officer Carb he had been at an auto parts store a few miles away and was traveling to his home in Sharpsburg. He reported no medical conditions that could have explained his passing out. An ambulance arrived and Appellant ultimately agreed to go to the hospital for treatment after discussing the matter with medical personnel at the scene. When Appellant was in the ambulance under the care of paramedics, Officer Carb returned to Appellant's vehicle and realized it would have to be towed from the scene, as it was not legally parked. He thus performed an inventory search to prepare it for towing.

The officer explained at a pretrial hearing that inventory searches are routinely conducted prior to the towing of a car. He noted this helps prevent allegations that valuables and other possessions were improperly taken from the vehicle. If an officer finds any evidence of a crime, it is brought to the police station, photographed, and placed into an evidence locker. See N.T., 4/27/2023, at 12-13. See *generally Commonwealth v. Nace*, 571 A.2d 1389, 1391 (Pa. 1990) (reciting that the constitutional search warrant requirement does not apply to inventory searches); *Commonwealth v. Langella*, 83 A.3d 94, 102 (Pa. 2013) ("An inventory search of an automobile is permissible when (1) the police have lawfully impounded the vehicle; and (2) the police have acted in accordance with a reasonable, standard policy of routinely securing and inventorying the contents of

² Narcan is the brand name for naloxone, an opioid antagonist that can reverse an overdose from opioids, including heroin and fentanyl. See Centers for Disease Control and Prevention, *Lifesaving Naloxone*, available at: <https://www.cdc.gov/stop-overdose/caring/naloxone.html> (accessed June __, 2026).

the impounded vehicle.”).³ While conducting the search, Officer Carb found an empty stamp bag in plain view, which he placed into evidence. He explained that a stamp bag is a small glassine packet used to package heroin. See N.T., 4/27/2023, at 13.

Appellant was charged with driving under the influence of controlled substances, see 75 Pa.C.S. § 3802(d), and possession of drug paraphernalia. See 35 P.S. § 780-113(a)(32). He moved pretrial to quash the drug paraphernalia charge, arguing he was immune under DORIA. The trial court denied the motion, and subsequently convicted him of the charges at a nonjury trial.⁴

The Superior Court affirmed in a published decision. *Commonwealth v. Wilson*, 327 A.3d 659 (Pa. Super. 2024). The court acknowledged DORIA would ordinarily apply, thus immunizing Appellant from the drug paraphernalia charge. However, it held that the central issue was whether the limiting provision of subsection (d)(1) precludes immunity under the circumstances by allowing for prosecution when the discovery of inculpatory evidence is “independent” of the call for help. The court also acknowledged Appellant’s reliance on *Commonwealth v. Lewis*, 180 A.3d 786 (Pa. Super. 2018), in which defendant was held to be entitled to DORIA immunity. In that matter the police responded to a call by Lewis reporting her own overdose, whereupon they found drug paraphernalia while assisting her until medical help could arrive. The court here distinguished *Lewis* from the present case, stating that *Lewis* did not involve subsection (d)(1), but rather, the scope of immunity when a person reports her own overdose. Furthermore, unlike in *Lewis*, where the police found evidence while assisting the overdose victim, Officer Carb discovered

³ Appellant does not claim the inventory search conducted in this case was unconstitutional or that the police lacked authority to impound the vehicle under the circumstances. See Brief for Appellant at 8 n.4 (acknowledging the lack of any challenge to the inventory search).

⁴ Any challenges raised to Appellant’s DUI conviction are not at issue in this appeal.

the stamp bag after Appellant was already in the ambulance and under the care of paramedics. The court found these facts significant, reasoning that

the inventory search was a police action independent of Officer Carb's response to the call for emergency assistance. Based on the circumstances of this case, we conclude Officer Carb had completed the initial course of action in rendering emergency assistance before starting the inventory search. Therefore, Officer Carb's discovery of drug paraphernalia during the course of an inventory search, was "independent of the action of seeking or obtaining emergency assistance" for purposes of the Act.

Wilson, 327 A.3d at 666-67 (quoting 35 P.S. § 780-113.7(d)(1)).

We allowed further review to consider whether the Superior Court erred in its understanding of the scope of the subsection (d)(1) exception to immunity. See *Commonwealth v. Wilson*, 337 A.3d 961 (Pa. 2025) (*per curiam*). In particular, we agreed to address whether that court was correct in deeming the inventory search "independent of the action of seeking or obtaining emergency assistance as described in subsection (a)." 35 P.S. § 780-113.7(d)(1).

III. Analysis

The facts of this case are not in dispute. It is also uncontested that Appellant experienced a "drug overdose event" as that term is defined by DORIA, see *id.* § 780-113.7(f), and that the drug offense presently at issue is covered by DORIA immunity, see *id.* § 780-113.7(b). We are thus faced with a question of law concerning the proper interpretation of the word "independent" as used in paragraph (d)(1). As with all questions of law, our review is plenary and *de novo*. See *Commonwealth v. Crosby*, 329 A.3d 1141, 1148-49 (Pa. 2025).

Where, as here, someone other than the overdose victim reports the overdose, the victim's immunity is derivative of that of the reporter, as previously mentioned. Immunizing the reporter or transporter was intended to encourage a person who has

himself been using illegal drugs not to sit idly by as the victim suffers a serious medical emergency. *Accord Commonwealth v. Markun*, 185 A.3d 1026, 1035 (Pa. Super. 2018) (*en banc*). In the instant case, the reporter was the off-duty paramedic who found Appellant unconscious in his car. Although the paramedic was never suspected of criminal conduct, there is no dispute he fulfilled the requirements for immunity under subsection (a), meaning he qualifies as “a person who . . . may not be charged and is entitled to immunity under [DORIA].” 35 P.S. § 780-113.7(c); *accord Commonwealth v. Carontenuto*, 148 A.3d 448, 453 (Pa. Super. 2016).⁵ Appellant, then, enjoys the same immunity unless it is negated by subsection (d).

⁵ In his concurrence, Justice Wecht disagrees with this assessment, positing the General Assembly saw no need to immunize emergency responders. The off-duty paramedic was immunized here, not as a responder, but as a reporter, *i.e.*, the person who called 911 to report the emergency. That he also happened to be a paramedic and administered the Narcan was mere fortuity. Our conclusion concerning his immunity is based on subsection (a)’s plain text and the fact his actions indisputably fulfilled all three of that provision’s prerequisites. Because the text of subsection (a) is unambiguous, there is no need to resort to statutory construction, *e.g.*, through comparison with other enactments. See Concurring Op. at 3.

Additionally, we find it inadvisable from an appellate posture to rely, for decisional purposes, on the premise that the reporter was a passer-by who was factually innocent. While that does appear to be the case, the common pleas court did not engage in fact finding on that topic. In the admittedly unlikely (but not impossible) event new evidence comes to light and the Commonwealth intends to prosecute, his DORIA immunity will become salient.

In this respect, and as a general matter, we disfavor construing DORIA in a manner that makes immunity under subsection (a) depend on considerations supplemental to those appearing in the text. The judicial interposition of such addition predicates would have two undesirable results. An overdose victim seeking derivative DORIA immunity would have to show a reporter who happens to be an emergency service worker is otherwise subject to potential prosecution. And emergency services workers who stumble upon a potential drug overdose would be dissuaded from summoning assistance if there are any attendant circumstances that could mislead the police into believing they are guilty. Both results would run counter to DORIA’s purposes. *Accord Markun*, 185 A.3d at 1035. Subsection (a) may be worded in an overinclusive manner by immunizing some persons who do not need immunity, but absent a constitutional violation this Court must apply it as written. *Accord Carontenuto*, 148 A.3d at 453-54.

Turning now to the scope of subsection (d)(1), we make two initial observations. First, to the extent Appellant argues the limitation on immunity does not apply to a person, such as himself, who did not call for help, see Brief for Appellant at 42-47, we reject that reading of the statute. The limitation, by its terms, applies to “a person” whenever the information is obtained prior to or independent of the call for assistance, regardless of who summoned medical assistance. 35 P.S. § 780-113.7(d)(1).

Second, subsection (d)(1) is not restricted to situations where an officer obtains information prior to the overdose reporter’s call for assistance. If that were the intent, the General Assembly would not have used disjunctive language encompassing two separate descriptors: prior to *or* independent of the action of seeking emergency help. Such phrasing shows the legislature contemplated that information acquired after the call for help can qualify under subsection (d)(1), so long as it is independent of the call. See *Lewis*, 180 A.3d at 789 (suggesting immunity cannot be obtained by calling 911 to report an overdose as police are knocking on the door to serve a search warrant). See *generally* 1 Pa.C.S. § 1921(a) (directing that all provisions of a statute should be given effect); *Jackiw v. Soft Pretzel Franchise*, 329 A.3d 1152, 1156 (Pa. 2025) (explaining that meaning must be ascribed to every word in a statute, and thus, interpreting statutory language as mere surplusage is disfavored). This, in turn, highlights the central issue raised herein: what did the legislative body mean when it referred to information being obtained independent of the action of seeking or obtaining emergency assistance?⁶

The word *independent*, by its very structure, means not dependent, which is consistent with dictionary definitions suggesting a meaning of not contingent, managed,

⁶ The General Assembly did not include a definition of the word “independent” in DORIA, nor is there a definition in the Controlled Substance Drug Device and Cosmetic Act, see 35 P.S. § 780-102 (relating to definitions), or in the Statutory Construction Act, see 1 Pa.C.S. § 1991 (relating to definitions).

or limited by something else. See, e.g., Black's Law Dictionary 770 (6th ed. 1990) ("Not dependent; not subject to control, restriction, modification, or limitation from a given outside source."). We have most frequently dealt with the dictionary definition of the word "independent" in settings where a person or business is being described, and it has been viewed as meaning self-governing, free from outside control, or not needing assistance.⁷

That conceptualization of "independent," however, is not directly transferrable to the instant case, where we are dealing with the sequence of events by which information was acquired by the police. In the present setting, the legal concept of causation is most relevant to the meaning of independent, as we ask whether the call for emergency assistance was the cause of the law enforcement officer acquiring the information in question. If the call for assistance "caused" the information to come to light, then in keeping with the statute's purpose it was not acquired "independent of" that call and subsection (d)(1) does not defeat immunity. Other jurisdictions in recent years have used this type of framing when reading their own medical amnesty laws, and in doing so they have referred to different standards of causation – primarily, but-for causation and proximate causation. The central conflict often involves whether intervening factors, such as outstanding warrants or traffic investigations, break the causal chain. Some of these extra-jurisdictional cases are instructive.

Thus, in *State v. Waiters*, 347 So. 3d 533 (Fla. Dist. Ct. App. 2022), Waiters ingested cocaine inside his sister's home and began running around, screaming, and clutching his chest, prompting his sister to place an emergency call. Medical first responders determined Waiters did not need hospitalization, and he signed a release

⁷ See, e.g., *Danielle Viktor, Ltd. V. Dep't of Labor & Indus.*, 892 A.2d 781, 795 (Pa. 2006); cf. *True R.R. Assocs. v. Ames True Temper, Inc.*, 152 A.3d 324, 339 (Pa. Super. 2016). (finding that, as referenced in a contract, an "independent appraiser" of real estate had to be free from outside control or support rather than "disinterested and objective").

declining further treatment. During the encounter, police officers ran Waiters's identification through dispatch and discovered he had an outstanding arrest warrant. After the medical evaluation was complete, the officers arrested Waiters on that warrant. Before placing him in the patrol car, they asked if he had anything dangerous on his person. Waiters admitted to having a broken crack pipe stem and a piece of crack cocaine in his pocket. He was charged with possession of a controlled substance and drug paraphernalia. Waiters sought immunity, citing Florida's law protecting individuals from prosecution where the evidence was "obtained as a result of" someone seeking medical assistance. Using a but-for test, the trial court dismissed the charges.

The appellate court reversed, concluding "as a result of" required proximate causation, not merely but-for causation. The court observed the search was conducted incident to a lawful arrest on a pre-existing warrant, and it occurred after the medical emergency was resolved. Therefore, the discovery of the contraband was not a direct result of the call for medical help. Once the medical emergency ceased and the unrelated warrant was discovered, statutory immunity no longer applied. See *id.* at 540-41. The court drew support from search-and-seizure law, which recognizes exceptions to the suppression requirement for evidence obtained after an illegal arrest, including where the state can show an independent source for the discovery, or that the evidence would inevitably have been discovered in the course of a legitimate investigation, or sufficient attenuation (including intervening circumstances) between the evidence and the unlawful police conduct. The court deemed attenuation to be the "key" in this case. *Id.* at 542. It referenced *State v. Frierson*, 926 So. 2d 1139 (Fla. 2006), in which the Florida Supreme Court held that an officer's discovery of an outstanding arrest warrant was an intervening circumstance that dissipated the taint of an illegal traffic stop, and thus, a firearm seized during the search incident to arrest should not be suppressed. See also *State v. W.S.B.*,

180 A.3d 1168, 1179 (N.J. Super. Ct. App. Div. 2018) (holding that because the statute limits its protection to charges based on evidence “obtained as a result of the seeking of medical assistance,” immunity did not apply where the police acquired incriminating evidence by other means, such as through execution of a search warrant or a valid warrantless search “unconnected from” the call for assistance).

A similar holding was reached in *State v. Smith*, 698 S.W.2d 178 (Mo. Ct. App. 2024). Smith called 911 stating he was having trouble breathing. Emergency medical personnel and a police officer responded. The medical responders evaluated Smith and determined he did not need to go to the hospital. Smith then signed a refusal-of-treatment form. After the medical evaluation was complete, the officer learned from others at the scene that Smith had been ejected from his residence following an argument. The officer and Smith spent some time trying to find lodging for him, but were unsuccessful. Forty minutes after the medical responders left, Smith asked the officer for a ride to a gas station, which the officer agreed to provide if Smith consented to a search of his person and belongings for safety reasons. During the search, the officer found a plastic bag containing methamphetamine residue and a syringe cap. Smith was charged with possession of a controlled substance and drug paraphernalia.

Smith moved to dismiss the charges, arguing he was immune from prosecution because the drugs would not have been found but for his initial call for help. The motion was denied and Smith was convicted. The appellate court affirmed, rejecting the but-for test and reasoning the statutory phrase, “as a result of,” requires a stronger causal connection. Like the Florida court, the Missouri court determined there was a break in the causal chain between the 911 call and the discovery of the drugs. The evidence was found because Smith requested a ride and consented to a search, not because he had previously sought medical assistance. Applying immunity in this situation would not

further the statute's purpose of encouraging people to seek life-saving help during active overdoses or emergencies. See *id.* at 182-83.

Other states have focused on whether the medical emergency was the *only* reason the evidence was found. In *State v. Soliz*, 558 P.3d 716 (Idaho 2024), a witness observed Soliz driving slowly on a busy road, impeding traffic. He appeared unconscious behind the wheel with his eyes closed and his head slumped over. The witness called 911 to report a traffic incident and a possible medical emergency. When the vehicle drifted into a parking lot, bystanders stopped it with their hands. Finding Soliz unresponsive in the locked vehicle, emergency responders forced entry to provide medical assistance, at which point police officers observed drug paraphernalia on Soliz's lap. Soliz was charged with, *inter alia*, possession of drug paraphernalia. He sought immunity under an Idaho law protecting individuals from prosecution if the evidence was obtained "as a result of" a drug-related medical emergency. In forwarding his motion, Soliz sought application of a "but for" causation standard, arguing his overdose was a necessary condition of both the traffic incident and the need for medical assistance. The State countered that immunity did not apply because the evidence in question was discovered while responding to a traffic incident, not just a medical call.

The Idaho Supreme Court agreed with the state. Looking to the underlying purposes of the immunity law, the court interpreted "as a result of" to mean "sole cause." It concluded that, for immunity to apply, the call for medical assistance must have been the only reason the evidence was discovered. The court noted the responders were on the scene for two reasons: a medical emergency and a traffic investigation involving an unconscious driver. Because the traffic investigation was an independent justification for the police presence and the subsequent discovery of contraband, the medical emergency was not the sole cause of the discovery. See *id.* at 721-23.

On the other hand, a reviewing court in Ohio determined the defendant was immune in relation to evidence found on his person by security personnel employed by a hospital to which he was taken after he suffered an overdose while being transported to jail in a police cruiser on an outstanding felony warrant. See *State v. Miller*, 141 N.E.3d 604 (Ohio Ct. App. 2019). The state argued the same evidence would inevitably have been discovered in a security search at the jail if the overdose had not occurred. The court rejected that position, noting the statute immunized persons from charges brought “as a result of” seeking medical assistance for an overdose. It found the inevitable discovery of the evidence at the jail immaterial given the evidence was, in fact, obtained as a result of the defendant suffering an overdose while in the police vehicle and needing medical treatment. See *id.* at 612-13. The Ohio court highlighted the restriction on immunity reflected in other state enactments, including the subsection (d)(1) limitation at issue in the present matter, and it pointed out the Ohio statute did not include any constraints along these lines. See *id.* at 613-14.

A Maryland court also contrasted that jurisdiction’s law with our own in concluding a defendant was immune from prosecution in *Gerety v. State*, 246 A.3d 629 (Md. Ct. Spec. App. 2021). In that dispute, a bystander called 911 to report a couple in a parked SUV who appeared to be sleeping or high on drugs. The dispatcher treated the call as a medical emergency and dispatched paramedics and a police officer to perform a welfare check. When the officer arrived, he found Damian Gerety and Briana Antkowiak “nodding out” in a vehicle parked across the street from the spot mentioned by the 911 caller. Although both declined medical assistance, the officer asked for their identification. Gerety was arrested after a records check revealed he had outstanding arrest warrants. During the arrest, officers observed him reaching under his seat. A search of the vehicle

yielded illegal drugs, including heroin, and drug paraphernalia. The state proceeded on one count of possession of heroin as to each defendant.

The defendants moved for a judgment of acquittal, arguing they were immune under Maryland law because the 911 caller was seeking medical assistance on their behalf. That law conferred immunity where the evidence was obtained “solely as a result” of the call for, or provision of, medical assistance. The trial court denied the motion, finding it significant that the SUV had moved to a different parking lot between the time of the 911 call and the officer’s arrival. The trial court reasoned this suggested the medical emergency had dissipated and public safety concerns regarding the operation of the vehicle outweighed the protection given by the statute.

The appellate court reversed, using a but-for causation standard. It clarified that, to assess whether evidence was obtained “solely as a result” of the call, courts must ask why the officers were at the scene in the first place. Because the officer was only there to perform a welfare check based on a 911 call, everything that followed, including the identification check, flowed from that request for assistance. The court rejected the state’s position analogizing to search-and-seizure law’s attenuation concept, reasoning that that doctrine involves the purging of taint from an unlawful arrest, whereas here statutory immunity exists even where the evidence was seized lawfully, *i.e.*, without any taint. It thus rejected what it termed a “back-door judicial exception to the statutory scheme.” *Id.* at 643. The Maryland statute, notably, did not include a statutory limitation similar to subsection (d) of the Pennsylvania statute, which is why the court described the State’s proposed exception as “judicial.”

The *Gerety* court contrasted Maryland’s statute with Pennsylvania’s, expressing that Pennsylvania is one of four states that allow for prosecution based on evidence from an independent source, the other three being Illinois, Minnesota, and Vermont. *See id.*

at 642. Of these, only Illinois has issued reported decisions in which the provision is claimed to apply.

Like our own statute, the Illinois law provides that immunity does not extend where the incriminating information is “obtained prior to or independent of the” action of seeking emergency medical assistance. Ill. Comp. Stat. § 570/414(e). An appellate court in that jurisdiction determined there was no independent source (and thus, the defendant was immune) where an overdose victim’s friend called for emergency help, the victim was being prepared for transportation, and during such preparation the victim asked a police officer to retrieve his wallet and keys from a nearby closet, whereupon the officer found drug evidence with the wallet. See *People v. Markham*, 126 N.E.3d 759 (Ill. Ct. App. 2019). Although the state argued the contraband was discovered due to the defendant’s “independent request for his keys” in a situation where he was already being attended to medically, the court rejected that portrayal, expressing that emergency medical assistance was still “in progress” at the relevant time.

In summary, then, where there is no express statutory limitation on liability similar to subsection (d)(1), and the question is whether the inculpatory information was obtained “as a result of” the call for medical assistance, other jurisdictions are divided between but-for and substantial-factor causation. Some favor the but-for litmus, including in instances where the statute immunizes the defendant so long as the information was acquired “solely as a result” of the call for help. Others utilize substantial factor causation, which they view as analogous to search and seizure law, pursuant to which exceptions to the exclusionary rule exist when there is either an independent source for the evidence at issue, or sufficient attenuation in the causal chain between the call for assistance and the discovery of that evidence.

With that said, our present task is to determine what our own General Assembly intended when it set forth a similar provision limiting immunity in instances where the inculpatory information was obtained “independent of” the action of seeking emergency medical help. See 1 Pa.C.S. 1921(a); *Commonwealth v. Cullen-Doyle*, 164 A.3d 1239, 1242 (Pa. 2017) (“The object of any judicial exercise in statutory interpretation is to ascertain and effectuate legislative intent.”).

We do not believe the legislative body intended a but-for litmus. It was well aware of how to express that standard if that had been its objective. Subsection (a)(2) establishes immunity where a person seeks emergency aid on the reasonable belief that the overdose victim needs immediate medical attention, stays with the victim, and cooperates with the police, including by giving them accurate identification and location data. See 35 P.S. § 780-113.7(a)(2) (quoted above). Although this provision, by necessary implication, protects the caller from criminal liability stemming from evidence discovered during the response to that emergency, it does not include any express causal language at all, such as “as a result of,” “solely as a result of,” or the like. Subsection (d)(1) then acts as an extrinsic limitation on immunity when an officer obtains evidence independent of the caller’s actions.

Like our sister states, we find search and seizure law analogous and thus useful in understanding the intended scope of such limitation. In this regard, we find the analysis supplied by the Florida and Missouri courts persuasive to the extent they relied on established causation precepts prevailing in the search and seizure context. Although those courts focused on attenuation and a break in the causal chain in light of the “because of” standard reflected in their own medical amnesty laws, subsection (d)(1) of DORIA most closely implicates the independent source doctrine. See *Commonwealth v. Katona*, 240 A.3d 463, 473 (Pa. 2020) (acknowledging the independent source doctrine

has been a part of Pennsylvania law since at least 1993).⁸ Under that precept, where government agents obtain inculpatory information as the fruits of an unlawful search, the defendant can ordinarily have the evidence excluded from trial. But if the police can show they obtained the same information from an “independent source,” that is, by “means sufficiently distinguishable” from the unlawful search, *Wong Sun v. United States*, 371 U.S. 471, 488 (1963), it need not be suppressed. See *Commonwealth v. Santiago*, 209 A.3d 912, 922 (Pa. 2019) (reviewing the genesis of the independent source doctrine). It is thus helpful to consider whether inventory searches constitute an independent source of information within the framework of search and seizure law.

Inventory searches are a recognized exception to the warrant requirement when a vehicle is lawfully impounded and the search is conducted per standardized procedures designed to protect the owner’s property, police from civil claims, and officer safety. See *Colorado v. Bertine*, 479 U.S. 367, 371-72 (1987). The connection between inventory searches and search and seizure law often arises under the inevitable-discovery exception to the exclusionary rule, where evidence obtained during an illegal search need not be suppressed if the police *would have found it* during a valid inventory search. As with all applications of the inevitable discovery rule, this conclusion rests on the independent source doctrine, as it poses a hypothetical independent source based on events that would have ensued if not for the police illegality, where the source’s independence forms the basis for the exception to the exclusionary rule. See *Murray v. United States*, 487 U.S. 533, 539 (1988). For this reason, the inevitable discovery rule is also known as the “hypothetical independent source” rule. *State v. Boll*, 651 N.W.2d 710,

⁸ See generally *Nix v. Williams*, 467 U.S. 431, 443 (1984) (explaining the independent source doctrine derives from a balancing of the societal interests in deterring police misconduct and having juries receive all probative inculpatory evidence, and it aims to put the police “in the same, not a worse, position that they would have been in if no police error or misconduct had occurred”).

716 (S.D. 2002).⁹ We make this observation not to suggest the inevitable discovery concept applies under DORIA, but to highlight that a valid inventory search of a vehicle has been acknowledged as a source of evidence sufficiently independent of an earlier illegal search of a vehicle to qualify as an independent source for exclusionary-rule purposes. *See, e.g., Commonwealth v. King*, 259 A.3d 511, 522 (Pa. Super. 2021).¹⁰

Such independence characterizes the search performed in this case. Here, an emergency arose necessitating medical assistance for Appellant, who had suffered an apparent drug overdose and was found unconscious in his vehicle. He was resuscitated, placed under the care of paramedics, and made ready for transportation in an ambulance. Officer Carb then turned to address the distinct problem that Appellant's vehicle would have to be towed from the scene because it was illegally parked.¹¹ It was only when he conducted an inventory search predicate to the towing – a search the validity of which has not been challenged, *see supra* note 3 – that he discovered the stamp bag.

This scenario is similar to what occurred in the Florida and Missouri cases, as described above. In those matters, the medical emergency had ceased, and the court found a sufficient break in the causal chain to render the information independently

⁹ *Accord, e.g., United States v. Allen*, 436 A.2d 1303, 1310 (D.C. 1981); *State v. Williams*, 285 N.W.2d 248, 256 & n.3 (Iowa 1979); *Commonwealth v. O'Connor*, 546 N.E.2d 336, 340 n.5 (Mass. 1989) (quoting 4 W. LaFare, *Search & Seizure* § 11.4(a) (2d ed. 1987)); *State v. Robinson*, 159 A.3d 373, 386 (N.J. 2017); *State v. Topanotes*, 76 P.3d 1159, 1163 (Utah 2003) (quoting *United States v. Cherry*, 759 F.2d 1196, 1206 (5th Cir. 1985)).

¹⁰ *Accord United States v. Haro-Salcedo*, 107 F.3d 769, 773 (10th Cir. 1997) (citing cases); *United States v. Ulibarri*, 723 F. Supp. 3d 1062, 1144-45 (D.N.M. 2024); *United States v. Harris*, 636 F. Supp. 3d 319, 327 (E.D.N.Y. 2022); *United States v. Davis*, 729 F. Supp. 3d 750, 756 (N.D. Ohio 2024); *United States v. Haro*, 904 F. Supp. 1290, 1294 (D. Utah 1995) (citing cases); *State v. Milliorn*, 794 S.W.2d 181, 185-86 (Mo. 1990).

¹¹ Some police departments do not allow their officers to drive another person's vehicle from the site of an emergency due to civil liability concerns. *See King*, 259 A.2d at 521. *See generally* 75 Pa.C.S. § 3352 (authorizing police officers to arrange for the towing of a vehicle in some situations where the person in charge of it is unable to drive it away).

obtained. These events are materially distinguishable from *Markham*, the Illinois case where the defendant was ultimately found to be entitled to immunity. There, the state argued an independent source arose when Markham requested personal items while paramedics were still responding to the emergency and preparing him for transportation. The court rejected the prosecution's claim that the defendant's "independent request for his keys" formed a basis to find that the source of the evidence was distinguishable or separated from the response to the medical emergency. When Markham made the request, he "was not out of danger as a result of the overdose since he was being 'prepped' and 'prepared' to be moved from the residence to a hospital by ambulance." *Markham*, 126 N.E.3d at 764.

This case is also different from *Lewis*, where the officer discovered evidence while in the process of assisting the overdose victim while awaiting the arrival of paramedics. Here, Officer Carb discovered the stamp bag after his discussions with Appellant had concluded and Appellant had been placed fully into the care of paramedics and was about to be transported to the hospital.¹² Officer Carb was carrying out an independent duty to conduct a mandatory inventory search before impounding Appellant's vehicle when the drug paraphernalia was discovered.

IV. Conclusion

In light of the above, we conclude that, for Section § 780-113.7(d)(1) purposes, the officer's discovery of the stamp bag was "independent of" the off-duty paramedic's action in seeking emergency assistance.

¹² Appellant acknowledges this facet of the underlying facts. See Brief for Appellant at 37-39. His position throughout this litigation has depended on his portrayal that the emergency was still ongoing at the time of the inventory search, see *id.* at 35, not that the lower courts made a mistake of fact in reciting that he was already in the ambulance, under the care of paramedics, and ready for transportation at the relevant time.

Accordingly, the order of the Superior Court is affirmed.

Chief Justice Todd and Justices Dougherty and McCaffery join the opinion.

Justice Wecht files a concurring opinion in which Justices Brobson and McCaffery join.

Justice Donohue files a dissenting opinion.