

HOUSE BILL NO. 1287

Introduced by

Representatives K. Koppelman, Jones, Klemin, Satrom

1 A BILL for an Act to create and enact subdivision d to subsection 1 of section 19-03.1-23.1 of
2 the North Dakota Century Code, relating to an enhanced penalty for the death of an individual
3 as a result of a drug overdose; to amend and reenact section 19-03.1-23.4 of the North Dakota
4 Century Code, relating to overdose prevention and immunity; and to provide a penalty.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** Subdivision d of subsection 1 of section 19-03.1-23.1 of the North Dakota
7 Century Code is created and enacted as follows:

8 d. The defendant sells, distributes, shares, or otherwise provides a controlled
9 substance to an individual which results in the death of the individual due to a
10 drug overdose.

11 **SECTION 2. AMENDMENT.** Section 19-03.1-23.4 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **19-03.1-23.4. Overdose prevention and immunity.**

14 Except as otherwise provided in subdivision d of subsection 1 of section 19-03.1-23.1, an
15 individual is immune from criminal prosecution under sections 19-03.1-22.1, 19-03.1-22.3,
16 19-03.1-22.5, subsection 7 of section 19-03.1-23, subsection 3 of section 19-03.2-03, and
17 section 19-03.4-03 if in good faith that individual seeks medical assistance for another individual
18 in need of emergency medical assistance due to a drug overdose. To receive immunity under
19 this section, the individual receiving immunity must have remained on the scene until assistance
20 arrived, cooperated with the medical treatment of the reported drug overdosed individual, and
21 the overdosed individual must have been in a condition a layperson would reasonably believe to
22 be a drug overdose requiring immediate medical assistance. Neither the individual who
23 experiences a drug-related overdose and is in need of emergency medical assistance nor the
24 cooperating individual seeking medical assistance may be charged or prosecuted for the

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1 criminal offenses listed in this section ~~or for the sharing of controlled substances among those~~
2 ~~present~~. Immunity from prosecution under this section does not apply unless the evidence for
3 the charge or prosecution was obtained as a result of the drug-related overdose and the need
4 for emergency medical assistance. Good faith does not include seeking medical assistance
5 during the course of the execution of an arrest warrant or search warrant or during a lawful
6 search.