

Sixty-third  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1412**

Introduced by

Representatives Strinden, Gruchalla

Senator Holmberg

1 A BILL for an Act to create and enact a new section to chapters 15-10 and 19-03.1 of the North  
2 Dakota Century Code, relating to immunity from criminal liability and academic penalty in  
3 medical emergencies involving drugs or alcohol; and to amend and reenact sections 5-01-08,  
4 5-01-09, and 14-10-06 of the North Dakota Century Code, relating to immunity from criminal  
5 liability in medical emergencies involving drugs or alcohol.

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

7 **SECTION 1. AMENDMENT.** Section 5-01-08 of the North Dakota Century Code is amended  
8 and reenacted as follows:

9 **5-01-08. Individuals under twenty-one years of age prohibited from using alcoholic**  
10 **beverages or entering licensed premises - Penalty.**

- 11 1. Except as permitted in this section and section 5-02-06, an individual under  
12 twenty-one years of age may not manufacture or attempt to manufacture, purchase or  
13 attempt to purchase, consume or have recently consumed other than during a  
14 religious service, be under the influence of, be in possession of, or furnish money to  
15 any individual for the purchase of an alcoholic beverage.
- 16 2. An individual under twenty-one years of age may not enter any licensed premises  
17 where alcoholic beverages are being sold or displayed, except:
- 18 a. A restaurant if accompanied by a parent or legal guardian;  
19 b. In accordance with section 5-02-06;  
20 c. If the individual is an independent contractor or the independent contractor's  
21 employee engaged in contract work and is not engaged in selling, dispensing,  
22 delivering, or consuming alcoholic beverages;  
23 d. If the individual is a law enforcement officer or other public official who enters the  
24 premises in the performance of official duty; or

e. If the individual enters the premises for training, education, or research purposes under the supervision of an individual twenty-one or more years of age with prior notification of the local licensing authority.

3. A violation of this section is a class B misdemeanor. For a violation of subsection 2, the court also shall sentence a violator to alcohol and drug education.

4. The court, under this section, may refer the individual to an outpatient addiction facility licensed by the department of human services for evaluation and appropriate counseling or treatment.

5. The offense of consumption occurs in the county of consumption or the county where the offender is arrested.

6. An individual under twenty-one years of age is immune from criminal prosecution under this section if ~~that individual contacted law enforcement or emergency medical services~~ was contacted and reported was informed that ~~another~~ an individual under twenty-one years of age was in need of medical assistance due to alcohol consumption, ~~provided assistance to and if the individual in need of medical assistance until assistance arrived and~~ receiving immunity remained on the scene until assistance arrived, or was the individual in need of medical assistance ~~and cooperated with medical assistance and law enforcement personnel on the scene. The maximum number of individuals that may be immune for any one occurrence is five individuals.~~

**SECTION 2. AMENDMENT.** Section 5-01-09 of the North Dakota Century Code is amended and reenacted as follows:

**5-01-09. Delivery to certain persons unlawful.**

1. Any individual knowingly delivering alcoholic beverages to an individual under twenty-one years of age, except as allowed under section 5-02-06, or to a habitual drunkard, an incompetent, or an obviously intoxicated individual is guilty of a class A misdemeanor, subject to sections 5-01-08, 5-01-08.1, and 5-01-08.2.

2. An individual ~~under twenty-one years of age~~ is immune from criminal prosecution under this section if ~~that individual contacted law enforcement or emergency medical services~~ was contacted and reported was informed that ~~another~~ an individual under ~~twenty-one years of age~~ was in need of medical assistance due to alcohol consumption, ~~provided assistance to and if the individual in need of medical~~

~~assistance until assistance arrived and receiving immunity remained on the scene until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene, or was the individual in need of medical assistance. The maximum number of individuals that may be immune for any one occurrence is five individuals.~~

~~3. If an individual is convicted of this section for delivering alcoholic beverages to an individual under twenty-one years of age, the court shall consider the following in mitigation:~~

~~a. After consuming the alcohol, the underage individual was in need of medical assistance as a result of consuming alcohol; and~~

~~b. Within twelve hours after the underage individual consumed the alcohol, the defendant contacted law enforcement or emergency medical personnel to report that the underage individual was in need of medical assistance as a result of consuming alcohol.~~

**SECTION 3. AMENDMENT.** Section 14-10-06 of the North Dakota Century Code is amended and reenacted as follows:

**14-10-06. Unlawful to encourage or contribute to the deprivation or delinquency of minor - Penalty.**

1. Any individual who by any act willfully encourages, causes, or contributes to the delinquency or deprivation of any minor is guilty of a class A misdemeanor.

2. Any individual who by any act willfully encourages, causes, or contributes to the deprivation of a child less than sixteen years of age by causing that child to engage in sexual conduct as defined under section 12.1-27.2-01, in any play, motion picture, photograph, dance, or other visual representation is guilty of a class C felony.

3. An individual is immune from criminal prosecution under subsection 1 if law enforcement or emergency medical services was contacted and was informed that an individual was in need of medical assistance due to alcohol or drug consumption and if the individual receiving immunity remained on the scene until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene as to information necessary to provide medical attention, or was the individual in need of medical assistance. If an individual is convicted of this section for encouraging,

causing, or contributing to the consumption or possession of alcoholic beverages by a minor, the court shall consider the following in mitigation:

- a. After consuming the alcohol, the underage individual was in need of medical assistance as a result of consuming alcohol; and
- b. Within twelve hours after the underage individual consumed the alcohol, the defendant contacted law enforcement or emergency medical personnel to report that the underage individual was in need of medical assistance as a result of consuming alcohol.

**SECTION 4.** A new section to chapter 15-10 of the North Dakota Century Code is created and enacted as follows:

**Policy on providing assistance for drug overdose or alcohol poisoning.**

The board of higher education shall adopt a standard for institutions of higher education to provide that there may not be any disciplinary action against a student who witnesses an individual in need of medical attention because of use of alcohol or drugs, if the student remains with the individual and cooperates with medical assistance and law enforcement personnel as to information necessary to provide medical attention, or if a student is the individual needing medical assistance.

**SECTION 5.** A new section to chapter 19-03.1 of the North Dakota Century Code is created and enacted as follows:

**Overdose prevention and immunity.**

An individual is immune from criminal prosecution under this chapter if law enforcement or emergency medical services was contacted and was informed that an individual was in need of medical assistance due to a drug overdose, if the individual receiving immunity remained on the scene until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene as to information necessary to provide medical assistance, and if evidence of the specific violation was gained as a result of the individual's remaining on the scene, or was the individual in need of medical assistance.