

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2248

That the House recede from its amendments as printed on page 1536 of the Senate Journal and page 1749 of the House Journal and that Reengrossed Senate Bill No. 2248 be amended as follows:

Page 1, line 1, remove "a new section to chapter 19-03.1,"

Page 1, line 1, remove the second comma

Page 1, line 2, remove "and a new section to chapter 50-06"

Page 1, line 2, remove "a special"

Page 1, line 3, remove "penalty for death or injury through distribution of illegal drugs,"

Page 1, line 3, remove ", and an opioid"

Page 1, line 4, remove "settlement fund"

Page 1, line 4, after the first semicolon insert "to amend and reenact subdivision d of subsection 1 of section 19-03.1-23.1 of the North Dakota Century Code, relating to the increased penalty for delivering or selling a controlled substance resulting in a substantial injury or death; and"

Page 1, line 4, remove "; and to provide an appropriation"

Page 1, remove lines 6 through 23

Page 2, replace lines 1 through 19 with:

"SECTION 1. AMENDMENT. Subdivision d of subsection 1 of section 19-03.1-23.1 of the North Dakota Century Code is amended and reenacted as follows:

d. The defendant sells, distributes, delivers, or conspires to deliver a controlled substance to an individual which results in ~~the substantial injury or~~ death of the individual due to the use of that controlled substance and the substantial injury or death of the individual would not have occurred in the absence of the defendant's conduct. This subdivision does not apply to an individual who is immune from prosecution under section 19-03.1-23.4.

(1) Venue for an offense under this subdivision is in the county where the death or substantial injury occurred or any county where the controlled substance was directly or indirectly obtained by the deceased or injured individual.

(a) An individual may not be convicted in more than one county for the death or substantial injury of the same individual who overdosed on a controlled substance.

(b) Notwithstanding chapter 29-03, an individual outside the state may be prosecuted within the state under this subdivision.

(c) The charging document for a violation of this subdivision must list an overt act in which the individual engaged to violate this subdivision.

(d) Substantial injury or death by an overdose may be proven by direct or circumstantial evidence.

(2) As used in this subdivision:

(a) "Results" means the substantial injury or death would not have occurred but for the conduct of the defendant operating either alone or concurrently with another cause, unless the concurrent cause was clearly sufficient to produce the result and the conduct of the defendant clearly insufficient.

(b) "Substantial injury" means an overdose that puts an individual's life at immediate risk of death."

Page 2, line 22, after "**management**" insert "**- Fentanyl awareness campaign**"

Page 2, line 23, remove "As used in this section:"

Page 2, remove lines 24 through 30

Page 3, remove lines 1 through 12

Page 3, line 13, remove "d."

Page 3, line 13, replace "attorney general" with "department of health and human services"

Page 3, line 16, after "year" insert ", including the county in which the deaths occurred and the age and gender of the deceased individuals"

Page 3, line 16, remove "The attorney general shall"

Page 3, line 17, replace "make the report available on the attorney general's website" with:

- "2. The department of health and human services shall make the data reported under subsection 1 available to the public by:
- a. Making the information easily accessible on the department's government website;
 - b. Publishing easily comprehensible printed materials on fentanyl awareness, information, and resources;
 - c. Placing visible billboards in high-traffic areas to inform the public of the dangers of fentanyl; and
 - d. Developing a media and social media campaign to expand statewide awareness of fentanyl drug deaths and the fentanyl overdose epidemic occurring within the state"

Page 3, remove lines 18 through 28

Page 3, line 28, remove "**APPROPRIATION -**"

Page 3, line 30, remove "There is appropriated out of any moneys from the"

Page 3, remove line 31

Page 4, remove lines 1 and 2

Page 4, line 3, replace "the biennium beginning July 1, 2023, and ending June 30, 2025" with "Best practices relating to fentanyl drug overdose by the department of health and human services as provided in section 3 of House Bill No. 1447, as approved by the sixty-eighth legislative assembly, includes providing and expanding statewide awareness of fentanyl drug deaths and the fentanyl overdose epidemic, communication strategies and campaigns, access to Naloxone, and other strategies as provided under section 2 of this Act, for the biennium beginning July 1, 2023, and ending June 30, 2025"

Renumber accordingly