



# North Dakota Legislative Council

Prepared for the Legislative Management  
LC# 25.9136.01000  
October 2023

## **SUMMARY OF REENACTMENT OF PROVISIONS RELATING TO DISTRIBUTION OF CONTROLLED SUBSTANCES - LC# 23.1149.01000**

This memorandum describes the bill draft [23.1149.01000], which reenacts Section 29 of Senate Bill No. 2015 (2023) ([appendix](#)) relating to the distribution of controlled substances.

### **SECTION 1**

Section 1 reenacts Section 29 of Senate Bill No. 2015, which amends subsection 2 of the new section to North Dakota Century Code Chapter 19-03.1, as created by Section 1 of Senate Bill No. 2248 (2023). The new subsection created by Section 1 of Senate Bill No. 2248 creates a special criminal penalty for death or injury if an individual willfully supplies another to deliver a controlled substance to an individual who consumes the controlled substance and that individual dies or is injured from overdosing after consuming a portion of the controlled substance. The new subsection 2 is further amended to expand the special criminal penalty created in Senate Bill No. 2248 for causing the death or injury of an individual who consumes a controlled substance to include the individual who willfully delivers the controlled substance, in addition to an individual who supplies another to deliver the controlled substance, if the individual consuming the substance dies or is injured from consuming that controlled substance.

### **SECTION 2**

Section 2 provides the Act applies retroactively to conduct occurring after July 31, 2023.

### **SECTION 3**

Section 3 provides the Act becomes effective immediately upon its filing with the Secretary of State.

ATTACH:1

**SECTION 29. AMENDMENT.** Subsection 2 of the new section to chapter 19-03.1 of the North Dakota Century Code, as created by section 1 of Senate Bill No. 2248, as approved by the sixty-eighth legislative assembly, is amended and reenacted as follows:

2. An individual is guilty of causing death or injury by distributing a controlled substance if the individual willfully ~~supplies another to deliver a controlled substance to an individual who consumes the controlled substance and that~~delivers a controlled substance, or supplies another to deliver or consume a controlled substance, and an individual dies or is injured from overdosing after consuming a portion of ~~the~~that controlled substance.
  - a. A violation of this section is a class A felony.
  - b. This section does not limit a conviction under chapter 12.1-16, but an individual may not be found guilty of this section and an offense under chapter 12.1-16 if the conduct arises out of the same course of conduct.