

Amend #3 9-0-4

23.0573.06003
Title.

Prepared by the Legislative Council staff for
Representative Cory
March 13, 2023

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2248

Page 1, line 4, after the first semicolon insert "to amend and reenact section 19-03.1-23.4 of the North Dakota Century Code, relating to overdose prevention and immunity;"

Page 1, after line 5, insert:

"**SECTION 1. AMENDMENT.** Section 19-03.1-23.4 of the North Dakota Century Code is amended and reenacted as follows:

19-03.1-23.4. Overdose prevention and immunity.

An individual is immune from criminal prosecution under sections 19-03.1-22.1, 19-03.1-22.3, and 19-03.1-22.5, subsection 7 of section 19-03.1-23, section 2 of this Act, subsection 3 of section 19-03.2-03, and section 19-03.4-03 if in good faith that individual seeks medical assistance for another individual in need of emergency medical assistance due to a drug overdose. To receive immunity under this section, the individual receiving immunity must have remained on the scene until assistance arrived, cooperated with the medical treatment of the reported drug overdosed individual, and the overdosed individual must have been in a condition a layperson would reasonably believe to be a drug overdose requiring immediate medical assistance. Neither the individual who experiences a drug-related overdose and is in need of emergency medical assistance nor the cooperating individual seeking medical assistance may be charged or prosecuted for the criminal offenses listed in this section or for the sharing of controlled substances among those present. Immunity from prosecution under this section does not apply unless the evidence for the charge or prosecution was obtained as a result of the drug-related overdose and the need for emergency medical assistance. Good faith does not include seeking medical assistance during the course of the execution of an arrest warrant or search warrant or during a lawful search."

Renumber accordingly