

Sixty-seventh  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1287**

Introduced by

Representatives K. Koppelman, Jones, Klemin, Satrom

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

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

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

d. The defendant sells, distributes, ~~shares, or otherwise provides~~ delivers, or conspires to deliver a controlled substance to an individual which results in the death of the individual due to ~~a drug overdose~~ the use of that controlled substance and the 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.

~~**SECTION 2. 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 Except as otherwise provided in subdivision d of subsection 1 of section 19-03.1-23.1, an individual is immune from criminal prosecution under sections 19-03.1-22.1, 19-03.1-22.3, 19-03.1-22.5, subsection 7 of section 19-03.1-23, 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~~

1 ~~be a drug overdose requiring immediate medical assistance. Neither the individual who~~  
2 ~~experiences a drug-related overdose and is in need of emergency medical assistance nor the~~  
3 ~~cooperating individual seeking medical assistance may be charged or prosecuted for the~~  
4 ~~criminal offenses listed in this section or for the sharing of controlled substances among those~~  
5 ~~present. Immunity from prosecution under this section does not apply unless the evidence for~~  
6 ~~the charge or prosecution was obtained as a result of the drug-related overdose and the need~~  
7 ~~for emergency medical assistance. Good faith does not include seeking medical assistance~~  
8 ~~during the course of the execution of an arrest warrant or search warrant or during a lawful~~  
9 ~~search.~~