

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

- 1 e. If the individual enters the premises for training, education, or research purposes
2 under the supervision of an individual twenty-one or more years of age with prior
3 notification of the local licensing authority.
- 4 3. A violation of this section is a class B misdemeanor. For a violation of subsection 2,
5 the court also shall sentence a violator to alcohol and drug education.
- 6 4. The court, under this section, may refer the individual to an outpatient addiction facility
7 licensed by the department of human services for evaluation and appropriate
8 counseling or treatment.
- 9 5. The offense of consumption occurs in the county of consumption or the county where
10 the offender is arrested.
- 11 6. An individual under twenty-one years of age is immune from criminal prosecution
12 under this section if ~~that individual contacted law enforcement or emergency medical~~
13 ~~services~~ was contacted and reported was informed that ~~another~~ an individual under
14 ~~twenty-one years of age~~ was in need of medical assistance due to alcohol
15 consumption, ~~provided assistance to~~ and if the individual ~~in need of medical~~
16 ~~assistance until assistance arrived and~~ receiving immunity remained on the scene until
17 assistance arrived, or was the individual in need of medical assistance ~~and cooperated~~
18 ~~with medical assistance and law enforcement personnel on the scene. The maximum~~
19 ~~number of individuals that may be immune for any one occurrence is five individuals.~~

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

22 **5-01-09. Delivery to certain persons unlawful.**

- 23 1. Any individual knowingly delivering alcoholic beverages to an individual under
24 twenty-one years of age, except as allowed under section 5-02-06, or to a habitual
25 drunkard, an incompetent, or an obviously intoxicated individual is guilty of a class A
26 misdemeanor, subject to sections 5-01-08, 5-01-08.1, and 5-01-08.2.
- 27 2. An individual ~~under twenty-one years of age~~ is immune from criminal prosecution
28 under this section if ~~that individual contacted law enforcement or emergency medical~~
29 ~~services~~ was contacted and reported was informed that ~~another~~ an individual under
30 ~~twenty-one years of age~~ was in need of medical assistance due to alcohol
31 consumption, ~~provided assistance to~~ and if the individual ~~in need of medical~~

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

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

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

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

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

17 **14-10-06. Unlawful to encourage or contribute to the deprivation or delinquency of**
18 **minor - Penalty.**

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

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

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

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

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

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

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

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

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

20 **Overdose prevention and immunity.**

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