

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1412

Page 1, line 1, after "to" insert "create and enact a new section to chapter 19-03.1 of the North Dakota Century Code, relating to immunity from criminal liability in medical emergencies involving controlled substances; and to"

Page 3, line 27, after "alcohol" insert "or drug"

Page 4, after line 8, insert:

"**SECTION 4.** A new section to chapter 19-03.1 of the North Dakota Century Code is created and enacted as follows:

Controlled substance overdose - Limited immunity from prosecution.

1. For purpose of this section, "overdose" means a controlled substance-induced physiological event that results in a life-threatening emergency to the individual who ingested, inhaled, injected, or otherwise bodily absorbed a controlled substance.
2. An individual who, in good faith, seeks or obtains emergency medical assistance for someone experiencing an overdose may not be charged or prosecuted under this chapter for possession of a controlled substance if evidence for the possession charge was acquired as a result of the individual seeking or obtaining emergency medical assistance.
3. An individual who is experiencing an overdose may not be charged or prosecuted for possession of a controlled substance under this chapter if evidence for the possession charge was acquired as a result of the individual seeking or obtaining emergency medical assistance.
4. The limited immunity described in subsections 2 and 3 may not be extended if law enforcement has reasonable suspicion or probable cause to detain, arrest, or search the individual described in subsection 2 or 3 for criminal activity and the reasonable suspicion or probable cause is based on information obtained before or independent of the individual described in subsection 2 or 3 taking action to seek or obtain emergency medical assistance and not obtained as a direct result of the action of seeking or obtaining emergency medical assistance. This section is not intended to interfere with or prevent the investigation, arrest, or prosecution of any individual for the delivery or distribution of cannabis, methamphetamine or other controlled substances, drug-induced homicide, or any other crime."

Renumber accordingly