



Public Health
Prevent. Promote. Protect.

City-County Health District

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Two North Dakota statutes address the use of naloxone and provision of assistance to someone who may need medical assistance due to a drug overdose, providing immunity from civil and criminal liability.

- 1.) **The ND Good Samaritan Law was passed to encourage friends, family members, and bystanders to call 911 in the event of an overdose.** The Law provides protection from prosecution for the individual experiencing a drug-related overdose and those seeking the emergency medical assistance. **North Dakota Century Code 19-03.1-23.4**

To be immune from prosecution, you must:

- a.) Seek emergency help – Call 911
- b.) Remain onsite until assistance arrives
- c.) Cooperate with responding personnel giving emergency medical treatment

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, 19-03.1-22.5, subsection 8 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 be a drug overdose requiring immediate medical assistance. Neither the individual who experiences a drug-related overdose and needs 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 because of the drug-related overdose and the need for emergency medical assistance. Good faith does not include seeking medical assistance during the execution of an arrest warrant or search warrant or during a lawful search.

- 2.) **Opioid Antagonist Use.** According to ND Law, any individual (family, friends, community member) is protected from civil or criminal liability for giving naloxone for a suspected opioid overdose. **North Dakota Century Code 23-01-42**

23-01-42. Opioid antagonist prescription, distribution, possession, or use - Immunity from liability. As used in this section:

- a.) "Health care professional" means a licensed or certified health care professional who is working within the scope of practice for that profession. The term may include a physician, physician assistant, advanced practice registered nurse, and pharmacist acting in the professional's scope of practice.
- b.) "Opioid antagonist" means a drug:
 - i.) That is approved by the United States food and drug administration for the treatment of a drug overdose and is recognized by the state department of health for the treatment of a drug overdose; and
 - ii.) That when administered negates or neutralizes, in whole or in part, the pharmacological effects of an opioid in the body.
- c.) A health care professional acting in good faith may directly or by standing order prescribe, distribute, or dispense an opioid antagonist, if the health care professional provides training to:
 - i.) An individual at risk of experiencing an opioid-related overdose; or
 - ii.) A family member, friend, or other individual able to assist an individual at risk of an opioid-related overdose.
- d.) An individual acting in good faith may receive or possess an opioid antagonist if that individual is:
 - i.) An individual at risk of experiencing an opioid-related overdose; or
 - ii.) A family member, friend, or other individual able to assist an individual at risk of experiencing an opioid-related overdose.
- e.) An individual acting in good faith may self-administer an opioid antagonist or administer an opioid antagonist to another individual who the administering individual suspects is at risk of experiencing an opioid overdose.
- f.) An individual may receive, possess, or administer an opioid antagonist under subsection 3 or 4, regardless of whether the individual is the individual for or to whom the opioid antagonist is prescribed, distributed, or dispensed.
- g.) An individual who prescribes, distributes, dispenses, receives, possesses, or administers an opioid antagonist as authorized under this section is immune from civil and criminal liability for such action. A health care professional who prescribes, distributes, or dispenses an opioid antagonist as authorized under this section is not subject to professional discipline for such action. This section does not expand the scope of practice of a health care professional. Immunity from liability or discipline under this subsection does not apply if the individual's actions constitute recklessness, gross negligence, or intentional misconduct.