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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3812

02/15/2024 Authored by Acomb, Baker, Pérez-Vega, Kraft, Sencer-Mura and others
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; providing immunity for individuals assisting another to
1.3 seek medical assistance for a drug-related overdose; amending Minnesota Statutes
1.4 2022, section 604A.05, subdivision 1.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 604A.05, subdivision 1, is amended to read:

1.7 Subdivision 1. **Person seeking medical providing assistance; immunity from**
1.8 **prosecution.** A person acting in good faith who seeks medical assistance for or acts in
1.9 concert with a person seeking medical assistance for another person who is experiencing a
1.10 drug-related overdose may not be charged or prosecuted for the possession, sharing, or use
1.11 of a controlled substance under section 152.023, subdivision 2, clauses (4) and (6), 152.024,
1.12 or 152.025, or possession of drug paraphernalia an offense. A person qualifies for the
1.13 immunities provided in this subdivision only if:

1.14 (1) the evidence for the charge or prosecution was obtained as a result of the person's
1.15 seeking medical assistance for or acting in concert with a person seeking medical assistance
1.16 for another person; and

1.17 (2) the person seeks medical assistance for or acts in concert with a person seeking
1.18 medical assistance for another person who is in need of medical assistance for an immediate
1.19 health or safety concern, provided that the person who seeks the medical assistance is the
1.20 first person to seek the assistance, provides a name and contact information, remains on the
1.21 scene until assistance arrives or is provided, and cooperates with the authorities.

1.22 Good faith does not include seeking medical assistance during the course of the execution
1.23 of an arrest warrant or search warrant or a lawful search.

- 2.1 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to acts
- 2.2 committed on or after that date.