

Arnold I. Palacios
Governor



GOV. COMM. **23-59**
(HOUSE)

David M. Apatang
Lieutenant Governor

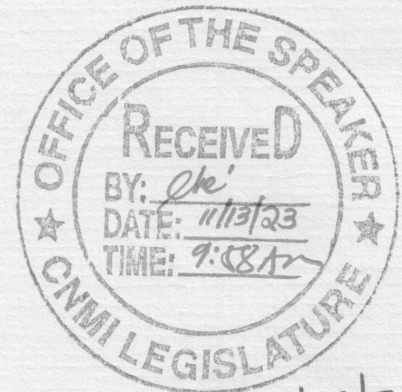
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

November 07, 2023

GOV 2024-059

The Honorable Edmund S. Villagomez
Speaker, House of Representatives
Twenty-Third Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

The Honorable Edith E. Deleon Guerrero
President of the Senate
Twenty-Third Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

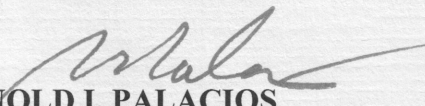


Dear Mr. Speaker and Madame President:

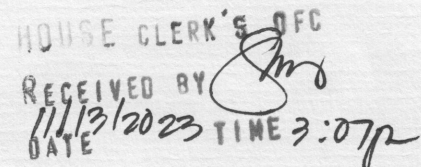
This is to inform you that I have signed into law **House Bill No. 23-24** entitled, "To provide an affirmative defense against drug possession charges in the case of an overdose.", which was passed by the House of Representatives and the Senate of the Twenty-Third Northern Marianas Commonwealth Legislature.

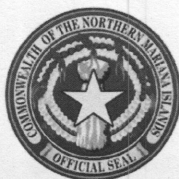
This bill becomes **Public Law No. 23-11**. Copies bearing my signature are forwarded for your reference.

Sincerely,


ARNOLD I. PALACIOS
Governor

cc: Lieutenant Governor; Attorney General;
Commonwealth Law Revision Commission; Public Auditor;
Special Assistant for Administration; Programs and Legislative Review Office





**TWENTY-THIRD NORTHERN MARIANA COMMONWEALTH LEGISLATURE
IN THE HOUSE OF REPRESENTATIVES**

FIRST REGULAR SESSION

MARCH 9, 2023

REPRESENTATIVE MALCOLM J. OMAR OF SAIPAN, PRECINCT 4 (*for himself*) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 23-24

AN ACT

**TO PROVIDE AN AFFIRMATIVE DEFENSE AGAINST DRUG
POSSESSION CHARGES IN THE CASE OF AN OVERDOSE.**

IN THE HOUSE OF REPRESENTATIVES

The Bill was referred to the House Committee on Judiciary and Governmental Operations, which submitted Standing Committee Report 23-18; adopted 6/20/2023.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, JUNE 20, 2023;**
without amendments and transmitted to **THE SENATE.**

IN THE SENATE

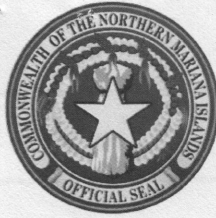
The Bill was referred to the Senate Committee on Judiciary, Government, and Law, which submitted Standing Committee Report 23-54; adopted 10/24/2023.

THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, OCTOBER 24, 2023;
without amendments and returned to **THE HOUSE OF REPRESENTATIVES.**

**H. B. NO. 23-24 IS DULY PASSED BY THE TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE.**



Linda B. Muña, House Clerk



TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
IN THE HOUSE OF REPRESENTATIVES

FIRST DAY, THIRD SPECIAL SESSION

JUNE 20, 2023

H. B. No. 23-24

AN ACT

**TO PROVIDE AN AFFIRMATIVE DEFENSE AGAINST DRUG
POSSESSION CHARGES IN THE CASE OF AN OVERDOSE.**

**BE IT ENACTED BY THE TWENTY-THIRD NORTHERN
MARIANAS COMMONWEALTH LEGISLATURE:**

SECTION 1. FINDINGS AND PURPOSES.

The Legislature intends to save lives by increasing timely medical attention to drug overdose victims through the establishment of limited immunity from prosecution for people who seek medical assistance in a drug overdose situation. Drug overdose is the leading cause of unintentional injury death in the United States, ahead of motor vehicle-related deaths. Drug deaths in the United States, which fell for the first time in 25 years in 2018, rose to record numbers in 2019 and are continuing to climb, a resurgence that is being complicated and perhaps worsened by the coronavirus pandemic.

Nearly 72,000 Americans died from drug overdoses in 2019, according to preliminary data released Wednesday by the Centers for Disease Control and Prevention — an increase of 5 percent from 2018. Drug deaths have risen an average of 13 percent so far this year over last year, according to mortality data from local and state governments collected by The New York Times as of July 2020, covering 40 percent of the U.S. population.

HOUSE BILL 23-24

1 The Legislature finds that many drug overdose fatalities occur because peers delay or
2 forego calling 911 for fear of arrest or police involvement, which researchers continually
3 identify as the most significant barrier to the ideal first response of calling emergency services.
4 Moreover, many victims of drug overdose also fear arrest and refuse to call 911 or seek medical
5 assistance during an overdose. The Legislature finds that lives can be saved by providing
6 limited immunity during drug overdose situation. Accordingly, the purpose of this legislation
7 to protect against drug possession charges if the evidence for the charge of possession of a
8 controlled substance was obtained as a result of the person experiencing the overdose or a peer
9 seeking medical assistance for someone else.

10 **SECTION 2. AMENDMENT.**

11 Title 6, Chapter 2, Article 2 Defenses of the Commonwealth Code is hereby amended
12 by adding a new section 254 to read as follows:

13 **“§ 254. Defense: Overdose.**

14 (a) A person charged with possession of less than 5 grams of a controlled
15 substance, acting in good faith who seeks medical assistance for a drug-related
16 overdose shall be able to raise an affirmative defense to the charge of possession of a
17 controlled substance pursuant to this article, if the evidence for the charge of possession
18 of a controlled substance was obtained as a result of the person seeking medical
19 assistance.

20 (b) The protection in this section from prosecution for possession of a controlled
21 substance shall not apply, regardless of the weight, to any other criminal charges.”

22 **SECTION 4. SEVERABILITY.**

23 If any provisions of this Act or the application of any such provision to any person or
24 circumstance should be held invalid by a court of competent jurisdiction, the remainder of this
25 Act or the application of its provisions to persons or circumstances other than those to which
26 it is held invalid shall not be affected thereby.

27 **SECTION 5. SAVINGS CLAUSE.**

28 This Act and any repealer contained herein shall not be construed as affecting any
29 existing right acquired under contract or acquired under statutes repealed or under any rule,
30 regulation, or order adopted under the statutes. Repealers contained in this Act shall not affect

HOUSE BILL 23-24

any proceeding instituted under or pursuant to prior law. The enactment of the Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.

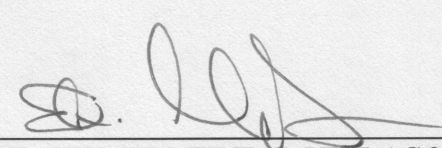
SECTION 6. EFFECTIVE DATE.

This Act shall take effect upon its approval by the Governor, or it becoming law without such approval.

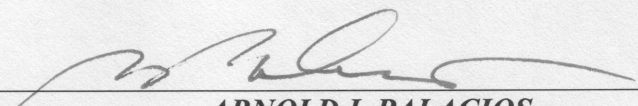
Attested to by:


Linda B. Muña, House Clerk

Certified by:


SPEAKER EDMUND S. VILLAGOMEZ
House of Representatives
23rd Northern Marianas Commonwealth Legislature

Approved this 7th day of November, 2023


ARNOLD I. PALACIOS
Governor
Commonwealth of the Northern Mariana Islands