



HARM REDUCTION AND OVERDOSE PREVENTION 50-State Survey

Harm Reduction Laws in the United States

Drug overdose is a continuing epidemic that claimed the lives of over 67,000 Americans in 2018. Opioids, either alone or in combination with other substances, were responsible for approximately 70% of these deaths. Many of these lost lives and other opioid-related harms are preventable through the timely administration of the opioid reversal drug naloxone and, where appropriate, other follow-up care.

Similarly, consistent access to new injection supplies is critical to prevent the transmission of HIV, viral hepatitis, and other bloodborne diseases among people who inject drugs, and to prevent subsequent infection of sexual partners, children, and others. Unfortunately, state laws and local rules can make it difficult for people who inject drugs to access these lifesaving supplies, and variations in laws among states can create confusion among both people who inject drugs and people and organizations working to ensure that they have the supplies they need to protect themselves and others. This document is designed to reduce this information gap and help individuals and organizations better understand how the legal landscape in their state may impact access to harm reduction services and supplies, including overdose Good Samaritan laws, which provide limited protection from criminal sanctions to encourage people to call for help in an overdose emergency. Specifically, it covers laws related to syringe possession and distribution, naloxone access, statewide naloxone standing orders, and overdose Good Samaritan overdose protections in all 50 states and the District of Columbia.

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For each state, each area of law is briefly explained in plain language. The relevant citation is also listed, together with a hyperlink that will take the reader to the text of the law. All information is current as of September 15, 2020.

This document was developed by the Harm Reduction Legal Project with the support of NEXT Distro, an online and mail-based harm reduction platform designed to reduce opioid overdose death, prevent injection-related disease transmission, and improve the lives of people who use drugs. For more information about the Harm Reduction Legal Project or to request information or technical assistance regarding harm reduction law or policy, please visit <https://www.networkforphl.org/resources/topics/projects/harm-reduction-legal-project/> or email harmreduction@networkforphl.org. For more information about NEXT Distro or to access harm reduction supplies, please visit <https://nextdistro.org/>. The information contained in this document is available in an easy to access format on the NEXT website at <https://nextdistro.org/policies>.



North Dakota

Syringe Possession & Distribution

- [N.D. Cent. Code Ann. § 19-03.4-03](#); [N.D. Cent. Code Ann. § 19-03.4-04](#)
- Syringes are drug paraphernalia when used to inject controlled substances into the body. [N.D. Cent. Code Ann. § 19-03.4-01\(11\)](#).
- It is illegal to use or possess with intent to use, or deliver or possess with intent to deliver, drug paraphernalia.
- Use or possession with intent to use drug paraphernalia to inject controlled substances is a class A misdemeanor, with higher penalties for repeat offenses. [N.D. Cent. Code Ann. § 19-03.4-03\(2\)](#).
- Delivery or possession with intent to deliver drug paraphernalia is a class C felony if the paraphernalia will be used to inject a controlled substance, with higher penalties for delivery to a minor. [N.D. Cent. Code Ann. § 19-03.4-04](#); [N.D. Cent. Code Ann. § 19-03.4-05](#).
- Syringe exchange is authorized by law. [N.D. Cent. Code Ann. § 23-01-44](#).
- Syringes collected by a syringe exchange are not drug paraphernalia and residue in collected syringes is not a violation of the law against possession of a controlled substance. [N.D. Cent. Code Ann. § 23-01-44\(7\)](#).

Naloxone Access Law

- [N.D. Cent. Code Ann. § 23-01-42](#); [N.D. Admin. Code 61-04-12-02](#)
- A health care professional may in good faith, directly or by standing order, prescribe or give out naloxone if they provide training to a person at risk of overdose or a family member, friend, or other person in a position to help someone experiencing overdose, and those people may possess naloxone.
- A person acting in good faith may self-administer or administer naloxone to someone else experiencing an overdose, whether or not that person is the one who was prescribed or given naloxone by a health care professional.
- Anyone who prescribes, gives out, receives, possesses, or administers naloxone is immune from civil and criminal liability. Healthcare professionals are also immune from disciplinary action. These immunities only apply if the person did not act with recklessness, gross negligence, or intentional misconduct.
- A pharmacist may prescribe naloxone according to a protocol developed by the board of health. [N.D. Admin. Code 61-04-12-02](#).

Naloxone Standing Order

- North Dakota does not appear to have a statewide standing order.



Good Samaritan Law

- [N.D. Cent. Code Ann. § 19-03.1-23.4](#)
- A person who, in good faith, calls for help for another person experiencing an overdose is immune from certain charges if:
 - They remain on the scene until emergency personnel arrive
 - They cooperate with emergency personnel
 - The person experiencing overdose must have been in a condition where a reasonable person would believe they needed medical assistance
 - The evidence for the charges was found because the person called for help
- The caller is immune from charge and prosecution for drug possession or use, paraphernalia possession or use, inhalation of certain substances, or sharing controlled substances with others at the scene.
- These protections and restrictions also apply to the person who overdosed.

This document was developed by Amy Judd Lieberman and Corey Davis at the Network for Public Health Law's Harm Reduction Legal Project (harmreduction@networkforphl.org), with the assistance of Robyn Lin at the University of California, Irvine School of Law and the support of NEXT Distro. The information provided in this document does not constitute legal advice or legal representation. You should always consult with an attorney barred in your state for specific legal advice. This document provides a snapshot of the state of the law as of September 15, 2020.

