

**Testimony**  
**House Bill 1287 - Department of Human Services**  
**House Judiciary Committee**  
**Representative Klemin, Chairman**

January 27, 2021

Chairman Klemin and members of the House Judiciary Committee, I am James Knopik, behavioral health administrator, with the Department of Human Services' Behavioral Health Division (Department). I appear today to provide testimony in opposition to House Bill 1287.

The current immunity offered in North Dakota Century Code section 19-03.1-23.4 is intended to save lives by allowing individuals the opportunity to report an overdose without the fear of legal ramifications. Overdose deaths in North Dakota increased from 43 in 2014 to 73 in 2019. (CDC Injury Center, NDDOH) The Department, in partnership with community organizations, has invested in overdose prevention efforts including the distribution of naloxone and community level trainings in overdose response. House Bill 1287 would result in a setback to our state's attempts to address overdoses. The proposed language in this Bill would render the existing protections for reporting an overdose basically useless jeopardizing lives due to the fear of legal prosecution.

Additionally, since 2014 there has been a multi-branch effort to address gaps in the state's behavioral health system. A priority of this work has been to reduce criminal justice involvement for those with behavioral health needs. House Bill 1287 may lead to criminalizing behavioral health conditions which will lead to unnecessary growth in the criminal justice system.

Imagine a scenario in which your brother, who is struggling with an opioid use disorder, shares his prescription opioids with a friend, who dies from an overdose.

With the passage of this bill your brother would be charged with a criminal offense even if he called 9-1-1 during his friend's overdose.

This concludes my testimony, and I am happy to answer any questions.