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C O U N T Y A T T O R N E Y S  
A S S O C I A T I O N

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August 11, 2014

TO: Minnesota County Attorneys

FR: John Kingrey

RE: Chapter 232 (“Steve’s Law”)

Governor Dayton signed legislation that authorizes licensed health care providers to administer opiate antagonists for drug overdose prevention. The new law also adds certain immunities from prosecution for those experiencing an overdose and those persons that seek medical assistance (M.S. 604A.05). Section 4 of [Chapter 232](#) was effective July 1, 2014 and is of special significance to prosecutors.

A person acting in good faith who seeks medical assistance for another person experiencing a drug-related overdose may not be charged or prosecuted for Fourth or Fifth Degree controlled substance possession or sale, or possession of drug paraphernalia. It also provides immunity from Third Degree possession of certain specified controlled substances in a school zone, park, public housing zone, or drug treatment facility. To qualify for the immunity, the evidence had to have been obtained as a result of the person’s seeking medical assistance for another and the person seeking medical assistance is the first person to seek assistance, provides a name and contact information, remains on the scene until assistance arrives, and cooperates with the authorities. *Good faith does not include seeking medical assistance during the execution of an arrest, search warrant, or lawful search.*

Defines “drug-related overdose” as an acute condition, including mania, hysteria, extreme physical illness, or coma, resulting from the consumption or use of a controlled substance, or another substance with which a controlled substance was combined, and that a layperson would reasonably believe to be a drug overdose that requires immediate medical assistance.

The same immunities apply to a person who is experiencing a drug overdose and seeks medical assistance.

A person’s pretrial release, probation, furlough, supervised release, or parole cannot be revoked if they would have been immune from prosecution. It does not prohibit probation officers from conducting drug testing.

The act of providing medical assistance to someone experiencing drug-related overdose may be used as a mitigating factor in a criminal prosecution for which immunity is not provided.

Chapter 232 does not bar the admissibility of evidence obtained in connection with the investigation and prosecution of other crimes committed by a person who otherwise qualifies for immunity.

The law does not modify any immunity from liability currently available to public employees.