

## CHAPTER 1080

### POSSESSION OR CONSUMPTION OF ALCOHOL BY UNDERAGE PERSONS — LIMITED CRIMINAL IMMUNITY — SANCTIONS BY REGENTS INSTITUTIONS PROHIBITED

H.F. 684

**AN ACT** providing limited immunity from certain criminal offenses and prohibiting certain disciplinary sanctions for persons under twenty-one years of age who report, seek, or require emergency assistance for alcohol overdoses, and modifying penalties.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. [Section 123.46](#), Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A person shall not be charged or prosecuted for a violation of [this section](#) if the person is immune from charge or prosecution pursuant to [section 701.12](#).

Sec. 2. [Section 123.47](#), Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. A person shall not be charged or prosecuted for a violation of [subsection 3](#) or [4](#) if the person is immune from charge or prosecution pursuant to [section 701.12](#).

Sec. 3. [Section 123.47B](#), Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. If a person under the age of eighteen is discovered consuming or to be in possession of alcoholic liquor, wine, or beer, but the person is immune from prosecution under [section 701.12](#), a peace officer shall make a reasonable effort to identify the person and notify a juvenile court officer of such person's consumption or possession.

Sec. 4. [Section 262.9](#), Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 39. Prohibit an institution of higher education under its control from imposing any of the following disciplinary sanctions against a student for possession or consumption of alcohol if the student is immune from charge or prosecution pursuant to [section 701.12](#):

- a. Removal from a course.
- b. Enrollment restrictions in a course or program.
- c. Suspension or expulsion from the university.
- d. Eviction or exclusion from student housing.

Sec. 5. [Section 321.216B](#), Code 2020, is amended to read as follows:

**321.216B Use of driver's license or nonoperator's identification card by underage person to obtain alcohol.**

1. A person who is under the age of twenty-one, who alters or displays or has in the person's possession a fictitious or fraudulently altered driver's license or nonoperator's identification card and who uses the license to violate or attempt to violate [section 123.47](#), commits a simple misdemeanor punishable as a scheduled violation under [section 805.8A, subsection 4](#). The court shall forward a copy of the conviction to the department.

2. A person shall not be charged or prosecuted for a violation of this section if the person is immune from charge or prosecution pursuant to [section 701.12](#).

Sec. 6. NEW SECTION. **701.12 Persons under the age of twenty-one seeking emergency assistance for overdose — immunity.**

1. A person under the age of twenty-one years shall not be charged or prosecuted for the violation of any of the following offenses if the evidence for the charge was obtained as a result of the person in good faith seeking emergency medical assistance for the person or another person due to an alcohol overdose:

- a. [Section 123.46](#).
- b. [Section 123.47, subsection 3 or 4](#).
- c. [Section 321.216B](#).

2. To be eligible for immunity under [this section](#), the reporting person, or persons acting in concert, must do all of the following:

- a. Be the first person to seek emergency assistance.
  - b. Provide the reporting person's name and contact information to medical or law enforcement personnel.
  - c. Remain on the scene until assistance arrives or is provided.
  - d. Cooperate with medical and law enforcement personnel.
3. The person for whom emergency assistance was sought as described in [subsection 1](#) shall not be charged or prosecuted for an offense listed in [subsection 1](#).

Approved June 25, 2020