

House File 684 - Enrolled

House File 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.

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PAT GRASSLEY  
Speaker of the House

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CHARLES SCHNEIDER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 684, Eighty-eighth General Assembly.

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MEGHAN NELSON  
Chief Clerk of the House

Approved \_\_\_\_\_, 2020

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KIM REYNOLDS  
Governor