



2026 South Dakota Legislature

House Bill 1183

Introduced by: **Representative Healy**

1 **An Act to revise qualifications for immunity from prosecution following a drug-**
2 **related overdose.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That § 34-20A-111 be AMENDED:**

5 **34-20A-111.** A person who experiences a drug-related overdose and is in need of
6 medical assistance may not be arrested, charged, or prosecuted for any misdemeanor or
7 felony offense of possession, inhalation, ingestion, or otherwise taking into the body any
8 controlled drug or substance if that person or another person contacts law enforcement
9 or emergency medical services and ~~reports that he or she is in need of~~ requests medical
10 assistance ~~as the result~~ because of a drug-related overdose. A person qualifies for the
11 immunities provided in this section only if the evidence for the charge or prosecution was
12 obtained as a result of the drug-related overdose and the need for medical assistance.