

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2253

Introduced by

Senators Watne, Lyson

1 A BILL for an Act to create and enact a new subdivision to subsection 1 of section 23-07.5-05
2 of the North Dakota Century Code, relating to confidentiality of human immunodeficiency virus
3 infection test results; and to amend and reenact section 23-07-02.1 of the North Dakota
4 Century Code, relating to reports of human immunodeficiency virus infection.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 23-07-02.1 of the 1997 Supplement to the North
7 Dakota Century Code is amended and reenacted as follows:

8 **23-07-02.1. Reports of human immunodeficiency virus infection - Penalty.** Every
9 attending physician treating an individual known by the physician to have a diagnosis of human
10 immunodeficiency virus infection, acquired immune deficiency syndrome, or human
11 immunodeficiency virus related illness, including death from human immunodeficiency virus
12 infection, shall make a report on that individual to the state department of health. ~~All persons,~~
13 ~~other than an attending physician,~~ A person treating an individual known to have human
14 immunodeficiency virus infection in a hospital, a clinic, a sanitarium, ~~penal institution~~ the
15 physical custody of the department of corrections and rehabilitation, a regional or local
16 correctional facility or juvenile detention center, the North Dakota youth correctional center, or
17 other private or public institution shall make a report on that individual to an official designated
18 by the respective facility to receive reports of significant infectious diseases within the facility
19 administrator or the facility administrator's designee. Further release of information on any
20 individual known to have human immunodeficiency virus infection may only be provided to
21 medical personnel providing direct care to the individual. The designated official shall, if
22 satisfied that the report is valid, make a report to the department on each individual having a
23 diagnosis of human immunodeficiency virus infection, acquired immune deficiency syndrome,
24 or human immunodeficiency virus related illness, including death from human

1 immunodeficiency virus infection, unless the diagnosed individual's attending physician has
2 made such a report. The reports required under this section must contain the name, date of
3 birth, sex, and address of the individual reported on and the name and address of the physician
4 or designated official making the report. Failure by a facility to designate an official to whom
5 reports must be made is an infraction. Any person who in good faith complies with this section
6 is immune from civil and criminal liability for any action taken in compliance with this section.

7 **SECTION 2.** A new subdivision to subsection 1 of section 23-07.5-05 of the 1997
8 Supplement to the North Dakota Century Code is created and enacted as follows:

9 If the test subject is in the physical custody of the department of corrections
10 and rehabilitation, to the director of the facility having physical custody of the
11 test subject. If the test subject is a resident of the North Dakota youth
12 correctional center, to the superintendent. If the test subject is in a
13 correctional facility as defined in chapter 12-44.1, to the correctional facility
14 administrator.