

Fifty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2004

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the state  
2 department of health; to create and enact a new section to chapter 23-01 of the North Dakota  
3 Century Code, relating to a donated dental services program; to amend and reenact  
4 subdivision b of subsection 1 of section 14-02.1-02.1 and section 23-01-05 of the North Dakota  
5 Century Code, relating to information regarding fetal development and to the qualifications of  
6 the state health officer; to repeal section 19-02.1-25 of the North Dakota Century Code, relating  
7 to country of origin labels; and to provide a statement of legislative intent.

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

9 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the  
10 funds as may be necessary, are hereby appropriated out of any moneys in the general fund in  
11 the state treasury, not otherwise appropriated, and from special funds derived from federal  
12 funds and other income, to the state department of health for the purpose of defraying the  
13 expenses of its various divisions, for the biennium beginning July 1, 2001, and ending June 30,  
14 2003, as follows:

15 Salaries and wages	\$29,020,730
16 Operating expenses	17,182,035
17 Equipment	1,454,626
18 Capital improvements	41,704
19 Grants	24,178,552
20 Tobacco prevention and control	7,069,934
21 WIC food payments	<u>17,516,870</u>
22 Total all funds	\$96,464,451
23 Less estimated income	<u>81,518,714</u>
24 Total general fund appropriation	\$14,945,737

1           **SECTION 2. ABANDONED MOTOR VEHICLE DISPOSAL FUND.** The estimated  
2 income line item included in section 1 of this Act includes \$300,000, or so much of the sum as  
3 may be necessary, to be made available to the state department of health from the abandoned  
4 motor vehicle disposal fund, under section 39-26-11 for the biennium beginning July 1, 2001,  
5 and ending June 30, 2003.

6           **SECTION 3. ENVIRONMENT AND RANGELAND PROTECTION FUND.** The  
7 estimated income line item included in section 1 of this Act includes \$200,000, or so much of  
8 the sum as may be necessary, to be made available to the state department of health from the  
9 environment and rangeland protection fund for the biennium beginning July 1, 2001, and  
10 ending June 30, 2003.

11           **SECTION 4. DOMESTIC VIOLENCE PREVENTION FUND.** The estimated income  
12 line item included in section 1 of this Act includes \$280,000, or so much of the sum as may be  
13 necessary, to be made available to the state department of health from the domestic violence  
14 prevention fund for the biennium beginning July 1, 2001, and ending June 30, 2003.

15           **SECTION 5. ENVIRONMENTAL HEALTH PRACTITIONER LICENSURE FEE**  
16 **ADMINISTRATIVE FUND.** The estimated income line item included in section 1 of this Act  
17 includes \$2,000, or so much of the sum as may be necessary, to be made available to the state  
18 department of health from the environmental health practitioner licensure fee administrative  
19 fund for the biennium beginning July 1, 2001, and ending June 30, 2003.

20           **SECTION 6. WASTEWATER OPERATORS CERTIFICATION FUND.** The estimated  
21 income line item included in section 1 of this Act includes \$21,000, or so much of the sum as  
22 may be necessary, to be made available to the state department of health from the wastewater  
23 operators certification fund for the biennium beginning July 1, 2001, and ending June 30, 2003.

24           **SECTION 7. COMMUNITY HEALTH TRUST FUND.** The estimated income line item  
25 included in section 1 of this Act includes \$4,815,000, or so much of the sum as may be  
26 necessary, to be made available to the state department of health from the community health  
27 trust fund for the biennium beginning July 1, 2001, and ending June 30, 2003.

28           **SECTION 8. WATER DEVELOPMENT TRUST FUND.** The estimated income line  
29 item included in section 1 of this Act includes \$99,756, or so much of the sum as may be  
30 necessary, to be made available to the state department of health from the water development  
31 trust fund for the biennium beginning July 1, 2001, and ending June 30, 2003.

1           **SECTION 9. AMENDMENT.** Subdivision b of subsection 1 of section 14-02.1-02.1 of  
2 the North Dakota Century Code is amended and reenacted as follows:

- 3           b.    Materials, published in a booklet format, designed to inform the woman of the  
4               probable anatomical and physiological characteristics of the fetus at two-week  
5               gestational increments from the time when a woman can be known to be  
6               pregnant to full term, including any relevant information on the possibility of  
7               the survival of the fetus and pictures representing the development of a fetus  
8               at two-week gestational increments. The majority of the pictures included in  
9               the booklet must be full color photograph-style images and the pictures must  
10              contain the dimensions of the fetus and must be realistic and appropriate for  
11              the stage of pregnancy depicted. The materials must be objective,  
12              nonjudgmental, and designed to convey only accurate scientific information  
13              about the fetus at the various gestational ages.

14           **SECTION 10. AMENDMENT.** Section 23-01-05 of the 1999 Supplement to the North  
15 Dakota Century Code is amended and reenacted as follows:

16           **23-01-05. Health officer - Qualifications, salary, term, duties - Advisory**  
17 **committee.** The governor shall appoint the state health officer who must have had  
18 ~~postgraduate training or experience in public health administration~~ substantive private or public  
19 administrative experience and demonstrated experience in the management of people. The  
20 state health officer is entitled to receive a salary commensurate with that person's training and  
21 experience. The governor shall set the salary of the state health officer within the limits of  
22 legislative appropriations to the department. The state health officer is entitled to receive all  
23 necessary traveling expenses incurred in the performance of official business. The state health  
24 officer may not engage in any other occupation or business that may conflict with the statutory  
25 duties of the state health officer and holds office for a term of four years beginning January 1,  
26 1993. The state health officer is the administrative officer of the state department of health. If  
27 the governor does not appoint as state health officer a physician licensed in this state, the  
28 governor shall appoint at least three licensed physicians recommended by the state medical  
29 association to serve as an advisory committee to the state health officer. Each member of the  
30 advisory committee is entitled to receive reimbursement of expenses in performing official  
31 duties in amounts provided by law for other state officers. The term of the advisory committee

coincides with the term of the state health officer. A committee member serves at the pleasure of the governor. The duties of the state health officer are as follows:

1. Enforce all rules and regulations as promulgated by the health council.
2. Hold public health unit boards of health responsible for enforcement of state rules, serve in an advisory capacity to public health unit boards of health, and provide for coordination of health activities.
3. Establish and enforce minimum standards of performance of the work of the local department of health.
4. Study health problems and plan for their solution as may be necessary.
5. Collect, tabulate, and publish vital statistics for each important political or health administrative unit of the state and for the state as a whole.
6. Promote the development of local health services and recommend the allocation of health funds to local jurisdictions subject to the approval of the health council.
7. Collect and distribute health education material.
8. Maintain a central public health laboratory and where necessary, branch laboratories for the standard function of diagnostic, sanitary and chemical examinations, and production and procurement of therapeutic and biological preparations for the prevention of disease and their distribution for public health purposes.
9. Establish a service for medical hospitals and related institutions to include licensing of such institutions according to the standards promulgated by the health council and consultation service to communities planning the construction of new hospitals and related institutions.
10. Comply with the state merit system policies of personnel administration.
11. Establish a program to provide information to the surviving family of a child whose cause of death is suspected to have been the sudden infant death syndrome.
12. Issue any orders relating to disease control measures deemed necessary to prevent the spread of communicable disease. Disease control measures may include special immunization activities and decontamination measures. The state health officer may apply to the district court in a judicial district where a communicable disease is present for an injunction canceling public events or

1 closing places of business. On application of the state health officer showing the  
2 necessity of such cancellation, the court may issue an ex parte preliminary  
3 injunction, pending a full hearing.

4 13. Make bacteriological examination of bodily secretions and excretions and of waters  
5 and foods.

6 14. Make preparations and examinations of pathological tissues submitted by the state  
7 health officer, by any county superintendent of public health, or by any physician  
8 who has been regularly licensed to practice in this state.

9 15. Make all required analyses and preparations, and furnish the results thereof, as  
10 expeditiously and promptly as possible.

11 16. Cause sanitary statistics to be collected and tabulated, and cause to be  
12 ascertained by research work such methods as will lead to the improvement of the  
13 sanitation of the various parts of the state.

14 17. From time to time, cause to be issued bulletins and reports setting forth the results  
15 of the sanitary and pathological work done in the laboratories embodying all useful  
16 and important information resulting from the work carried on in the laboratories  
17 during the year, the substance of such bulletins and reports to be incorporated in  
18 the annual report of the state health officer.

19 18. Establish by rule a schedule of reasonable fees that may be charged for laboratory  
20 analysis. No charge may be made for any analysis conducted in connection with  
21 any public health incident affecting an entire region, community, or neighborhood.

22 **SECTION 11.** A new section to chapter 23-01 of the North Dakota Century Code is  
23 created and enacted as follows:

24 **Donated dental services program.** The state department of health shall contract with  
25 the North Dakota dental association, or other appropriate and qualified organizations, to  
26 develop and administer a donated dental services program through which volunteer dentists  
27 provide comprehensive dental care for needy, disabled, aged, or medically compromised  
28 individuals. The volunteers will treat individuals through the program and, with the exception of  
29 certain dental laboratory costs, will fully donate their services and supplies. The contract must  
30 specify the responsibilities of the administering organization and include:

- 1        1. Establishment of a network of volunteer dentists, including dental specialists,
- 2        volunteer dental laboratories, and other appropriate volunteer professionals to
- 3        donate dental services to eligible individuals;
- 4        2. Establishment of a system to refer eligible individuals to appropriate volunteers;
- 5        3. Development and implementation of a public awareness campaign to educate
- 6        eligible individuals about the availability of the program;
- 7        4. Provision of appropriate administrative and technical support to the program; and
- 8        5. Submission of an annual report to the state department of health that:
- 9            a. Accounts for all program funds;
- 10          b. Reports the number of individuals served by the program and the number of
- 11          dentists and dental laboratories participating as providers in the program;
- 12          c. Includes any other information required by the state department of health; and
- 13          d. Performs, as required by the state department of health, any other duty
- 14          relating to the program.

15        **SECTION 12. INTENT - INDIRECT COST RECOVERIES.** Notwithstanding section  
16 54-44.1-14, the state department of health may deposit indirect cost recoveries in its operating  
17 account.

18        **SECTION 13. LEGISLATIVE INTENT - STATE AID TO LOCAL HEALTH DISTRICTS.**  
19 It is the intent of the legislative assembly that the state department of health provide aid to local  
20 health districts grants during the biennium beginning July 1, 2001, and ending June 30, 2003,  
21 totaling \$1,100,000 and that the additional \$100,000 necessary to fund that level be found by  
22 the department within its appropriation.

23        **SECTION 14. REPEAL.** Section 19-02.1-25 of the North Dakota Century Code is  
24 repealed.