

June 2007

TITLE 23

Health and Safety

Summary of Bills Enacted by 2007 Legislative Assembly

This memorandum summarizes 2007 legislation primarily affecting North Dakota Century Code (NDCC) Title 23. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to health and safety may be classified in these subject areas: regulation; emergency medical services; contagious diseases; basic care and nursing facilities; housing authorities; health care directives; State Health Officer, Health Council, and State Department of Health; and miscellaneous.

REGULATION

House Bill No. 1154 directs the State Department of Health to regulate tanning facilities, including limitations on minors' use of tanning facilities.

House Bill No. 1004 provides the fees established by the State Department of Health for tanning facility permits must be based on the cost of conducting routine and complaint inspections, enforcement actions, and preparing and sending license renewals and provides the department must accept local enforcement of the tanning facility regulations if the local requirements meet or exceed the state requirements.

House Bill No. 1505 directs the State Department of Health to regulate facilities and individuals providing tattooing, body piercing, branding, subdermal implants, or scarification.

Senate Bill No. 2352 amends House Bill No. 1505 to provide the State Department of Health must provide for an injury reporting protocol as part of the department's regulation of facilities and individuals providing tattooing, body piercing, branding, subdermal implants, or scarification.

House Bill No. 1094 updates the law relating to underground storage tank regulations, clarifying that rules adopted by the Health Council may not be more stringent than applicable requirements of the federal Resource Conservation and Recovery Act and the federal Energy Policy Act of 2005 in effect on August 1, 2007.

House Bill No. 1109 establishes the registration fees and registration protocol for petroleum tanks, distinguishing between known tanks and newly discovered tanks.

EMERGENCY MEDICAL SERVICES

House Bill No. 1161 addresses emergency medical services operators, allowing for substation ambulance services operations; updating definitions; requiring Health Council rules to address scope of practice for uncertified drivers, certified personnel, and emergency medical services professionals; and increasing from \$2,400 to \$10,000 the fees an emergency medical services volunteer may receive and still retain volunteer status.

House Bill No. 1162 requires the Health Council to conduct a 2007-08 interim study of the minimum requirements of reasonable emergency services and to report to the Legislative Council on the outcome and recommendations of the study; requires each county to conduct an annual review of the emergency medical services coverage within the county and to submit an annual report to the State Department of Health; and provides that a taxing district that levies property taxes for support of emergency medical services must ensure that every emergency medical services operation that operates in that district receives a benefit of this tax.

House Bill No. 1296 directs the State Department of Health to distribute a portion of the insurance premiums tax collections to qualified emergency medical services operations and directs the department to establish a strategic plan for an integrated emergency medical services program, including a comprehensive statewide emergency medical services system.

CONTAGIOUS DISEASES

House Bill No. 1136 adds the pneumococcal disease, meningococcal disease, rotavirus, and Hepatitis A to the list of diseases against which children are required to be immunized in order to enroll in school and child care facilities and provides that in the case of extenuating circumstances, the State Health Officer may authorize children who do not comply with the required immunizations to enroll in school or child care facilities.

Senate Bill No. 2358 provides that for purposes of court-ordered sexual offense medical testing, the prosecuting attorney must notify the alleged victim of the victim's right to request that the court order the defendant be tested for human immunodeficiency virus or acquired immunodeficiency syndrome and that if such test is requested the court must order that the test be administered within 48 hours after the date the complaint or information is filed or after the defendant's initial appearance.

House Bill No. 1434 directs the State Department of Health to establish a viral hepatitis vaccination and testing program to be coordinated by the department through local public health units and directs the department to provide viral hepatitis education services.

House Bill No. 1435 provides for the transition from a universal select immunization program to a provider choice immunization program under Section 317 of the federal Public Health Services Act.

House Bill No. 1471 directs the State Department of Health to educate the public about the human papilloma virus and the availability of a vaccine for this virus.

House Bill No. 1122 changes references in the communicable disease confinement law from "appointed counsel" to "counsel provided at public expense."

BASIC CARE AND NURSING FACILITIES

Senate Bill No. 2418 provides an exception to the moratorium on nursing facility beds for the new Veterans Home construction project.

Senate Bill No. 2109 extends the moratorium on the expansion of basic care and nursing facility beds; allows the State Department of Health in determining whether to increase the number of basic care beds, to give preferences to facilities that agree to participate in the state's medical assistance program; provides that newly created beds must be licensed within 48 months of approval; and provides a nursing facility may not convert a licensed bed to a basic care bed more than once per 12-month period.

House Bill No. 1488 provides that for the State Department of Health's survey process for basic care facilities, the life safety portions of the surveys must be announced and half of the health portions of the surveys must be announced. Additionally, the department is directed to establish a two-tiered system of identifying areas of noncompliance with the health portions of the surveys.

HOUSING AUTHORITIES

Senate Bill No. 2273 allows the governing body of a housing authority to pledge the general obligation of the city or county for which the authority was created as additional security for bonds if the pledged revenues will equal or exceed 110 percent of the principal and interest due on the bonds for the year, the maturity of the bonds does not exceed 35 years, and the principal amount of the issue and the general obligation pledge are approved by the city or county in which the housing project is located and whose general obligation is pledged.

Senate Bill No. 2214 clarifies a housing authority's power to acquire property through the exercise of eminent domain is subject to the limitations of NDCC Chapter 32-15, the state's eminent domain law.

House Bill No. 1033 updates a statutory cross-reference in the housing authority law to reflect a repealed chapter of law.

HEALTH CARE DIRECTIVES

Senate Bill No. 2212 removes the health care directive freedom from influence requirements specifically relating to residents of long-term care facilities, individuals being admitted to a hospital, and hospital patients.

Senate Bill No. 2308 allows a health care directive to provide for the designation of an agent to make health care decisions for a principal even though the principal retains the capacity to make health care decisions.

STATE HEALTH OFFICER, HEALTH COUNCIL, AND STATE DEPARTMENT OF HEALTH

House Bill No. 1021 creates the North Dakota Health Information Technology Steering Committee, consisting of the State Health Officer, the Governor, the executive director of the Department of Human Services, individuals representing state government interests, and individuals representing health information technology stakeholders.

House Bill No. 1290 directs the State Department of Health, during the 2007-08 interim, to contract with a professional organization to perform an evaluation of the trauma system in the state.

House Bill No. 1129 provides a comprehensive updating of the system of vital records registration, including transitioning to a single-state system for electronic birth and death registration; recognizing birth resulting in stillbirth; amending the law relating to burial-transit permits; and amending the law relating to disclosure of birth, death, and fetal death records.

Senate Bill No. 2012 provides the State Department of Health must administer services for children with special health care needs under the federal maternal and child health services block grant; creates the duty of a hospital to report to the department the birth of a child with a visible congenital deformity; provides counties must cooperate with the department in administering services for children with special health care needs; and provides the department must provide payment for growth hormone treatment and medical food for children diagnosed with Russell-Silver Syndrome.

Senate Bill No. 2278 provides that the State Department of Health must establish a central repository for all county and township zoning regulation pertaining to concentrated animal feeding operations.

MISCELLANEOUS

House Bill No. 1232 provides that unless it is medically inadvisable, a hospital must allow a pregnant patient to arrange for the blood extracted from the umbilical cord of the patient's newborn child to be donated to a public cord blood bank.

Senate Bill No. 2090, as part of the state's regulations on smoking, directs the Office of Management and Budget to develop a uniform policy regarding smoking at the outdoor areas near the public entrances of all buildings on the State Capitol grounds.

Senate Bill No. 2097 provides that for the 2005-07 biennium, fees charged and collected by the Attorney General for services provided by the State Fire Marshal program to entities covered by the petroleum release compensation fund may be collected up to the amount of \$42,900.

Senate Bill No. 2163 adopts the revised Uniform Anatomical Gift Act and updates related statutory cross-references.

House Bill No. 1034 adopts the Uniform Trust Code and updates related statutory cross-references.

Senate Bill No. 2138 removes statutory cross-references to the repealed cohabitation law.

House Bill No. 1420 updates statutory cross-references relating to regulation of odor for animal feeding operations.

House Bill No. 1179 clarifies that a governing body may form a single county health district.