

June 2009

TITLE 25

Mental and Physical Illness or Disability

Summary of Bills Enacted by 2009 Legislative Assembly

This memorandum summarizes 2009 legislation primarily affecting North Dakota Century Code Title 25. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1012 provides that a person may not be admitted to the Developmental Center at Westwood Park, Grafton, unless that person has undergone a screening process at the center to determine whether the admission or readmission is appropriate.

House Bill No. 1078 provides that the North Dakota Vision Services - School for the Blind serves as a National Instructional Materials Access Center authorized user for the purpose of access to and conversion of accessible instructional materials in alternate formats for use by blind individuals, individuals with visual impairment, and students with other print disabilities. The bill also provides for a definition of student with print disabilities.

House Bill No. 1436 changes the name of the Legislative Council to Legislative Management. The bill also distinguishes between Legislative Management, which is the 17-member legislative body chosen biennially before the close of each regular legislative session, and the Legislative Council, which provides staff services to the Legislative Management.

Senate Bill No. 2098 provides that, for the purpose of involuntary commitment due to mental illness or chemical dependency, a written statement of support which accompanies a petition may be provided by an addiction counselor. The bill also provides that the screening of an individual in a public treatment facility for care of a mental illness or chemical dependency must be performed in person whenever reasonably practicable.

Senate Bill No. 2211 provides that a person is guilty of a Class C felony and is subject to a civil penalty of up to \$10,000 if that person willfully and unjustifiably kills, shoots, tortures, torments, beats, kicks, strikes, mutilates, disables, or otherwise injures a service animal. The bill also provides that a person is guilty of a Class A misdemeanor and is subject to a civil penalty of up to \$5,000 if that person willfully harasses, taunts, or provokes a service animal or interferes with a service animal while the animal is working.

Senate Bill No. 2421 clarifies which professionals may conduct an evaluation of a respondent's physical condition, mental status, or whether the respondent is chemically dependent by relocating the language from the definition of expert examiner and independent expert examiner to Section 25-03.1-11, which provides for the procedural requirements of the examination.