

Sixty-second
Legislative Assembly
of North Dakota

SENATE BILL NO. 2166

Introduced by

Senators Mathern, J. Lee

Representatives Thoreson, Hogan, Wieland

1 A BILL for an Act to amend and reenact section 25-03.1-34.2 of the North Dakota Century
2 Code, relating to detoxification services in interstate contracts for treatment of mental illness or
3 chemical dependency.

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

5 **SECTION 1. AMENDMENT.** Section 25-03.1-34.2 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **25-03.1-34.2. Interstate contracts for treatment of mental illness or chemical**
8 **dependency.**

9 1. For purposes of this section, "bordering state" means Minnesota, Montana, or South
10 Dakota.

11 2. Unless prohibited by another law and subject to the exceptions in subsection 3, the
12 department may contract with any appropriate treatment or detoxification facility in a
13 bordering state for the treatment of mental illness or chemical dependency or for
14 providing chemical dependency detoxification services for residents of North Dakota.

15 The department may also contract with any public or private agency or facility to
16 provide treatment of mental illness or chemical dependency or to provide chemical
17 dependency detoxification services in North Dakota to residents of a bordering state.

18 An individual who receives treatment for mental illness or chemical dependency or
19 who receives chemical dependency detoxification services in another state under this
20 section is subject to the laws of the state in which treatment or detoxification is
21 provided. An individual who receives treatment or detoxification in another state under
22 this section must be informed of the consequences of receiving treatment or
23 detoxification in another state, including the implications of the differences in state
24 laws.

- 1 3. A contract may not be entered under this section for treatment or detoxification to
2 individuals who:
 - 3 a. Are serving a sentence after conviction of a criminal offense;
 - 4 b. Are on probation or parole;
 - 5 c. Are the subject of a presentence investigation; or
 - 6 d. Have been committed involuntarily in North Dakota under chapter 25-03.1 for
7 treatment of mental illness or chemical dependency, except as provided under
8 subsection 5.
- 9 4. Contracts entered under this section must, at a minimum:
 - 10 a. Describe the services to be provided;
 - 11 b. Establish responsibility for the costs of services;
 - 12 c. Establish responsibility for the costs of transporting individuals receiving services
13 under this section;
 - 14 d. Specify the duration of the contract;
 - 15 e. Specify the means of terminating the contract;
 - 16 f. Specify the terms and conditions for refusal to admit or retain an individual; and
 - 17 g. Identify the goals to be accomplished by the placement of an individual under this
18 section.
- 19 5. The department may enter negotiations with appropriate personnel of a bordering
20 state to develop an agreement that conforms to the requirements of this section. An
21 agreement with a bordering state must enable the placement in North Dakota of
22 individuals who require detoxification services, are on emergency holds, or who have
23 been involuntarily committed as mentally ill or chemically dependent in a bordering
24 state and enable the temporary placement in a bordering state of patients who require
25 detoxification services or who are on emergency holds in North Dakota under
26 chapter 25-03.1. An agreement with a bordering state must also provide that the North
27 Dakota courts retain jurisdiction over North Dakota residents, and that the bordering
28 state affords to North Dakota residents the rights afforded to them under North Dakota
29 law. Individuals committed by a court of a bordering state and placed in North Dakota
30 facilities continue to be in the legal custody of the bordering state. The bordering
31 state's laws governing length of commitment, reexaminations, and extension of

1 commitment must continue to apply to these residents. In all other respects, residents
2 of a bordering state placed in North Dakota facilities are subject to North Dakota laws.
3 An agreement with a bordering state must specify that responsibility for payment for
4 the cost of care of a resident of a bordering state remains with the bordering state of
5 which that individual is a resident and the cost of care of a North Dakota resident
6 remains with the state of North Dakota. This section applies to detoxification services
7 regardless of whether the services are provided on a voluntary or involuntary basis.