

Sixty-third  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1276**

Introduced by

Representatives Porter, Rohr, Toman

Senators Berry, Poolman

A BILL for an Act to create and enact ~~a new section to chapter 15.1-19~~section 15.1-19-23 and a new subdivision to subsection 9 of section 43-12.1-04 of the North Dakota Century Code, relating to medication administration in primary or secondary ~~public~~ schools and exemptions from the ~~nurse practices act~~Nurse Practices Act.

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

**SECTION 1.** ~~A new section to chapter 15.1-19~~Section 15.1-19-23 of the North Dakota Century Code is created and enacted as follows:

**Administration of medication 15.1-19-23. Medication program - Establishment - Opt-out - Liability - Immunity from liability.**

1. ~~A teacher or classified staff member who is not employed as a school nurse or physician to administer medication may choose to not administer medication under section 43-12.1-04.~~The board of a school district or the governing body of a nonpublic school may establish a program for providing medication to students that includes authorizing individuals to provide medication to a student if the individual has received education and training in medication administration and has received written consent of the student's parent or guardian.

2. A teacher or classified staff member, who is not employed as a licensed health care provider to provide medication, may choose to not provide medication under the program established under subsection 1.

~~2.3.~~ An individual authorized to administer provide medication by section 43-12.1-04 under subsection 1, or a school district, the board of a school district, or the governing body of a nonpublic school that establishes a program for providing medication to students is not civilly or criminally liable for any act or omission of that individual when acting in



1                   good faith while ~~administering~~providing medication to a student, except when the  
2                   conduct amounts to gross negligence.

3           **SECTION 2.** A new subdivision to subsection 9 of section 43-12.1-04 of the North Dakota  
4 Century Code is created and enacted as follows:

5                   Within a primary or secondary school ~~under a program established under section~~  
6                   15.1-19-23 if the individual has received education and training in medication  
7                   administration and has received written consent of the student's parent or  
8                   guardian.