Sixty-third Legislative Assembly of North Dakota

FIRST ENGROSSMENT with Senate Amendments ENGROSSED HOUSE BILL NO. 1276

Introduced by

Representatives Porter, Rohr, Toman

Senators Berry, Poolman

1 A BILL for an Act to create and enact sections 15.1-19-23 and 23-44-03 and a new subdivision

2 to subsection 9 of section 43-12.1-04 of the North Dakota Century Code, relating to medication

3 administration in primary or secondary schools, exemptions from the Nurse Practices Act, and

4 the exemption of medication administration in primary or secondary schools from the nurse aide

5 registry.

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

7 SECTION 1. Section 15.1-19-23 of the North Dakota Century Code is created and enacted
8 as follows:

9 <u>15.1-19-23. Medication program - Establishment - Opt-out - Liability - Immunity from</u>

10 <u>liability.</u>

11 <u>1.</u> <u>The board of a school district or the governing body of a nonpublic school may</u>

12 <u>establish a program for providing medication to students that includes authorizing</u>

13 individuals to provide medication to a student if the individual has received education

14 and training in medication administration and has received written consent of the

15 <u>student's parent or guardian.</u>

- <u>A teacher or classified staff member, who is not employed as a licensed health care</u>
 <u>provider to provide medication, may choose to not provide medication under the</u>
 <u>program established under subsection 1.</u>
- An individual authorized to provide medication under subsection 1, or a school district,
 the board of a school district, or the governing body of a nonpublic school that
- 21 <u>establishes a program for providing medication to students is not civilly or criminally</u>
- 22 liable for any act or omission of that individual when acting in good faith while
- 23 providing medication to a student, except when the conduct amounts to gross
- 24 <u>negligence.</u>

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1 **SECTION 2.** Section 23-44-03 of the North Dakota Century Code is created and enacted as

2 follows:

3 **23-44-03. Exemption.**

- 4 <u>Medication administration by an individual within a primary or secondary school under a</u>
- 5 program established under section 15.1-19-23 is exempt from the requirements of this chapter,
- 6 <u>if the individual has received education and training in medication administration and has</u>
- 7 received written consent of the student's parents or guardian.
- 8 SECTION 3. A new subdivision to subsection 9 of section 43-12.1-04 of the North Dakota
- 9 Century Code is created and enacted as follows:
- 10 <u>Within a primary or secondary school under a program established under section</u>
- 11 <u>15.1-19-23 if the individual has received education and training in medication</u>
- 12 administration and has received written consent of the student's parent or
- 13 guardian.