

**Sixty-sixth Legislative Assembly of North Dakota  
In Regular Session Commencing Thursday, January 3, 2019**

SENATE BILL NO. 2198  
(Senators J. Lee, Anderson, Mathern)  
(Representatives Roers Jones, Schreiber-Beck)

AN ACT to amend and reenact sections 23-01-44 and 50-06-01 of the North Dakota Century Code, relating to duties of the department of human services behavioral health division.

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

**SECTION 1. AMENDMENT.** Section 23-01-44 of the North Dakota Century Code is amended and reenacted as follows:

**23-01-44. Syringe or needle exchange program - Authorization.**

1. As used in this section:
  - a. "Program" means a syringe exchange program established and operated under this section.
  - b. "Qualified entity" means:
    - (1) A local health department;
    - (2) A city that operates a program within the boundaries of the city; or
    - (3) An organization that has been authorized to operate a program by the state department of health, the board of county commissioners, or the governing body for the operation of a program within the boundaries of the city.
2. The state department of health, in collaboration with the department of human services behavioral health division, shall design a syringe exchange program. The state department of health shall administer the program.
3. The state department of health may authorize a qualified entity to operate a program in a county if:
  - a. The area to be served is at risk of an increase or potential increase in prevalence of viral hepatitis or human immunodeficiency virus;
  - b. A syringe exchange program is medically appropriate as part of a comprehensive public health response; and
  - c. The qualified entity conducted a public hearing and submitted a report of the findings and an administration plan for the program to the state health officer.
- ~~3.4.~~ A qualified entity operating a program under this chapter shall:
  - a. Register the program annually in the manner prescribed by the state department of health;
  - b. Have a pharmacist, physician, or advanced practice registered nurse who is licensed in the state to provide oversight for the program;
  - c. Store and dispose of all syringes and needles collected in a safe and legal manner;

- d. Provide education and training on drug overdose response and treatment, including the administration of an overdose reversal medication;
  - e. Provide education, referral, and linkage to human immunodeficiency virus, viral hepatitis, and sexually transmitted disease prevention, treatment, and care services;
  - f. Provide drug addiction treatment information; and referrals to drug treatment programs, including programs in the local area and programs that offer medication-assisted treatment that includes a federal food and drug administration approved long-acting, non-addictive medication for the treatment of opioid or alcohol dependence;
  - g. Provide syringe, needle, and injection supply distribution and collection without collecting or recording personally identifiable information;
  - h. Operate in a manner consistent with public health and safety; and
  - i. Ensure the program is medically appropriate and part of a comprehensive public health response.
- 4.5. The state department of health may terminate a program for failure to comply with any of the provisions in this section.
- 5.6. A state agency may not provide general fund monies to a program to purchase or otherwise acquire hypodermic syringes, needles, or injection supplies for a program under this section.
- 6.7. A law enforcement officer may not stop, search, or seize an individual based on the individual's participation in a program under this section. Syringes and needles appropriately collected under this section are not considered drug paraphernalia as provided in chapter 19-03.4 or possession of a controlled substance under section 19-03.1-23.
- 7.8. Each program shall file a semiannual report with the state department of health containing the following information listed on a daily basis and by location, identified by the postal zip code, where the program distributed and collected syringes and needles:
- a. The number of individuals served;
  - b. The number of syringes and needles collected;
  - c. The number of syringes and needles distributed; and
  - d. Any additional information requested by the state department of health.

**SECTION 2. AMENDMENT.** Section 50-06-01 of the North Dakota Century Code is amended and reenacted as follows:

**50-06-01. Definition.**

As used in this chapter, unless the context otherwise requires:

1. "Behavioral health" means the planning and implementation of preventive, consultative, diagnostic, treatment, crisis intervention, and rehabilitative, and suicide prevention services for individuals with mental, emotional, or substance use disorders, and psychiatric conditions.
2. "Behavioral health provider" means any licensed or accredited behavioral health provider in this state.
3. "Department" means the department of human services.
4. "Human services" means services provided to an individual or an individual's family in need of services to assist the individual or the individual's family in achieving and maintaining basic

self-sufficiency, including physical health, mental health, education, welfare, food and nutrition, and housing.

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President of the Senate

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Speaker of the House

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Secretary of the Senate

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Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2198.

Senate Vote:    Yeas 45            Nays 1            Absent 1

House Vote:    Yeas 58            Nays 32           Absent 4

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Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2019.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2019,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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Secretary of State