

**FIRST ENGROSSMENT  
with House Amendments  
ENGROSSED SENATE BILL NO. 2335**

Introduced by

Senators K. Roers, Dever, Lee

Representatives Beltz, Nelson

1 A BILL for an Act to create and enact a new section to chapter 1-03, a new section to chapter  
2 50-06, and section 50-11-01.7 of the North Dakota Century Code, relating to training and  
3 screening for fetal alcohol spectrum disorder, creating a cross-disability advisory council, and  
4 establishing an annual day of awareness for fetal alcohol spectrum disorder; to amend and  
5 reenact subsection 3 of section 25-01.2-01 of the North Dakota Century Code, relating to fetal  
6 alcohol spectrum disorder; and to repeal section 50-06-32 of the North Dakota Century Code,  
7 relating to the autism spectrum disorder task force.

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

9 **SECTION 1.** A new section to chapter 1-03 of the North Dakota Century Code is created  
10 and enacted as follows:

**11 Fetal alcohol spectrum disorder awareness day.**

12 To celebrate the life of all affected by fetal alcohol spectrum disorder, reaffirm the dignity  
13 and value of every human being, and to create awareness of the number of people affected by  
14 the disorder, the ninth day of September of each year is designated and established as fetal  
15 alcohol spectrum disorder awareness day for the state of North Dakota.

16 **SECTION 2. AMENDMENT.** Subsection 3 of section 25-01.2-01 of the North Dakota  
17 Century Code is amended and reenacted as follows:

- 18 3. "Developmental disability" means a severe, chronic disability of an individual which:
- 19 a. Is attributable to a mental or physical impairment or combination of mental and
- 20 physical impairments, including Down syndrome and fetal alcohol spectrum
- 21 disorders, including fetal alcohol syndrome, partial fetal alcohol syndrome, and
- 22 alcohol-related neurodevelopmental disorder;
- 23 b. Is manifested before the individual attains age twenty-two;
- 24 c. Is likely to continue indefinitely;

d. Results in substantial functional limitations in three or more of the following areas of major life activity:

- (1) Self-care;
- (2) Receptive and expressive language;
- (3) Learning;
- (4) Mobility;
- (5) Self-direction;
- (6) Capacity for independent living; and
- (7) Economic sufficiency; and

e. Reflects the individual's needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.

**SECTION 3.** A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows:

**Cross-disability advisory council - Appointment - Duties.**

1. The cross-disability advisory council shall participate with and provide feedback to the department regarding the implementation, planning, and design of the cross-disability children's waiver and level of care reform for the comprehensive developmental disabilities Medicaid home and community-based waiver.
2. The department shall contract with a qualified, independent third party to facilitate and provide support services to the council. The contracted facilitator shall appoint the cross-disability advisory council members in accordance with subsection 3 and establish the length of members terms and the structure of the cross-disability advisory council. A representative from the contracted facilitator shall serve as the presiding officer of the advisory council.
3. The cross-disability advisory council consists of up to fifteen voting members. A majority of the members of the council must be family members of individuals with a disability, or must be individuals with a disability, who receive Medicaid home and community-based services. The remaining members of the council must be appointed based on their professional subject matter expertise in or knowledge of the needs and interests of individuals with disabilities. The council's membership must represent

different regions of the state and a broad range of disabilities that pertain to the Medicaid home and community-based services. Upon request of the department, state agency representatives shall participate with the cross-disability advisory council in a nonvoting role.

4. The cross-disability advisory council shall meet at least quarterly and may appoint subcommittees to address specific topics or disabilities, which may include autism, traumatic brain injury, and fetal alcohol spectrum disorder. A majority of the voting members of the council constitutes a quorum.

5. The cross-disability advisory council shall:

a. Discuss strategies to address gaps or needs regarding individuals with disabilities and Medicaid home and community-based services;

b. Provide for the active participation of stakeholders, including consumers and providers; and

c. Receive information from the department and its consultants.

6. The cross-disability advisory council members, excluding the contracted facilitator, are entitled to reimbursement from the department for travel and lodging at the same rate as provided for state officers and employees.

**SECTION 4.** Section 50-11-01.7 of the North Dakota Century Code is created and enacted as follows:

**50-11-01.7. Fetal alcohol spectrum disorder training.**

The department shall integrate fetal alcohol spectrum disorder instruction into the training programs for public and private child welfare providers and foster parents, and further shall integrate a formal fetal alcohol spectrum disorder screening into the early and periodic screening diagnostic and treatment services. The course may be provided electronically.

**SECTION 5. REPEAL.** Section 50-06-32 of the North Dakota Century Code is repealed.