Fifty-ninth Legislative Assembly of North Dakota In Regular Session Commencing Tuesday, January 4, 2005

HOUSE BILL NO. 1147 (Human Services Committee) (At the request of the Department of Human Services)

AN ACT to create and enact a new subsection to section 50-32-02 and a new section to chapter 50-32 of the North Dakota Century Code, relating to assisted living facilities; and to amend and reenact subsection 1 of section 23-09-01 and subsections 1 and 5 of section 50-32-01 of the North Dakota Century Code, relating to assisted living facilities.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 23-09-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "Assisted living facility" means a building or structure containing a series of <u>at least five</u> living units operated as one entity to provide services for five or more individuals who are not related by blood, marriage, or guardianship to the owner or manager of the entity and which is kept, used, maintained, advertised, or held out to the public as a place that provides or coordinates individualized support services to accommodate the individual's needs and abilities to maintain as much independence as possible. An assisted living facility in this chapter includes a facility that is defined as an assisted living facility in any other part of the code. An assisted living facility does not include a facility that is a congregate housing facility, licensed as a basic care facility, or licensed under chapter 23-16 or 25-16 or section 50-11-01.4.

SECTION 2. AMENDMENT. Subsections 1 and 5 of section 50-32-01 of the North Dakota Century Code are amended and reenacted as follows:

- 1. "Assisted living facility" means a building or structure containing a series of <u>at least five</u> living units operated as one entity to provide services for five or more individuals who are not related by blood, marriage, or guardianship to the owner or manager of the entity and which is kept, used, maintained, advertised, or held out to the public as a place that provides or coordinates individualized support services to accommodate the individual's needs and abilities to maintain as much independence as possible. An assisted living facility does not include a facility that is a congregate housing facility, licensed as a basic care facility, or licensed under chapter 23-16 or 25-16 or section 50-11-01.4.
- 5. "Living unit" means a portion of an assisted living facility that contains a sleeping area, an entry door that can be locked, and a private bath with a toilet, bathtub or shower, and sink and which is occupied as the living quarters of an individual who has entered into a lease agreement with the assisted living facility.

SECTION 3. A new subsection to section 50-32-02 of the North Dakota Century Code is created and enacted as follows:

No more than two people may occupy one bedroom of each living unit of an assisted living facility.

SECTION 4. A new section to chapter 50-32 of the North Dakota Century Code is created and enacted as follows:

<u>Continuation of existing licenses.</u> An assisted living facility that possessed a valid license issued by the department of human services before the effective date of this Act may not be

subsequently denied a license by the department of human services merely due to failure to meet the requirements of sections 23-09-01, 50-32-01, and 50-32-02 provided that the assisted living facility meets all other licensing requirements.

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Sp	Speaker of the House Chief Clerk of the House				President of the Senate Secretary of the Senate			
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This certifies the Assembly of No.								
House Vote:	Yeas	92	Nays	0	Absent	2		
Senate Vote:	Yeas	45	Nays	0	Absent	2		
					Chief	Clerk of th	e House	
Received by the Governor at M. on								, 2005.
Approved at	N	l. on						, 2005.
					Gove	rnor		
Filed in this office this day of								, 2005,
at o	'clock	M.						
					Secre	tary of Sta	te	