

SENATE BILL NO. 2359

Introduced by

Senators Tallackson, J. Lee

Representatives Damschen, Herbel

1 A BILL for an Act to amend and reenact sections 50-19-01, 50-19-02, 50-19-03, 50-19-03.1,
2 50-19-05, 50-19-06, 50-19-07, 50-19-08, 50-19-09, 50-19-10, 50-19-11, 50-19-12, 50-19-13,
3 and 50-19-14 of the North Dakota Century Code, relating to maternity homes.

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

5 **SECTION 1. AMENDMENT.** Section 50-19-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **50-19-01. Definitions.** In this chapter, unless the context or subject matter otherwise
8 requires:

- 9 1. "Department" means the department of human services.
- 10 2. "Maternity home ~~for unmarried mothers~~" means any hospital, home, or other
11 premises, operating especially to provide social services ~~and~~, maternity care, and
12 child care to married or unmarried mothers and their infants, which receives more
13 than one ~~unmarried woman during any period of six months~~ for any length of time
14 for shelter, care, or treatment during pregnancy, or delivery, or within sixty days
15 after delivery. It does not include any hospital, home, or other premises owned or
16 operated by state or federal governments.

17 **SECTION 2. AMENDMENT.** Section 50-19-02 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **50-19-02. License required.** Any person, partnership, voluntary association,
20 corporation, or limited liability company which operates a maternity home ~~for unmarried~~
21 ~~mothers~~ shall secure annually from the department a license as required in this chapter.

22 **SECTION 3. AMENDMENT.** Section 50-19-03 of the North Dakota Century Code is
23 amended and reenacted as follows:

1 **50-19-03. Requirements for license.** A license for the operation of a maternity home
2 ~~for unmarried mothers~~ must be issued by the department to a reputable and responsible
3 person, partnership, voluntary association, corporation, or limited liability company, upon
4 showing that:

- 5 1. The premises to be used are in fit sanitary condition and properly equipped to
6 provide good care and treatment;
- 7 2. The persons in active charge of the home and their assistants are qualified by
8 training and experience to carry on efficiently the duties required of them;
- 9 3. The home is to be conducted for the public good and in accordance with sound
10 social policy; and
- 11 4. The health and well-being of the infants born therein and the health, morality, and
12 well-being of the parties treated therein will be properly safeguarded.

13 **SECTION 4. AMENDMENT.** Section 50-19-03.1 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **50-19-03.1. Conviction not bar to licensure - Exceptions.** Conviction of an offense
16 does not disqualify a person from licensure under this chapter unless the department
17 determines that the offense has a direct bearing upon a person's ability to serve the public as
18 the owner or operator of a maternity home ~~for unmarried mothers~~, or that, following conviction
19 of any offense, the person is not sufficiently rehabilitated under section 12.1-33-02.1.

20 **SECTION 5. AMENDMENT.** Section 50-19-05 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **50-19-05. Contents of license.** The license to operate a maternity home ~~for~~
23 ~~unmarried mothers~~ issued under the provisions of this chapter must set forth:

- 24 1. The name of the licensee.
- 25 2. The premises to which the license is applicable.
- 26 3. The number of patients who may be received in such premises at any one time.
- 27 4. The date of expiration of the license.

28 **SECTION 6. AMENDMENT.** Section 50-19-06 of the North Dakota Century Code is
29 amended and reenacted as follows:

30 **50-19-06. Regulation by department.** The department may prescribe forms for the
31 registration and record of persons cared for in maternity homes ~~for unmarried mothers~~ and may

1 adopt reasonable rules for the conduct of such homes as are necessary to carry out the
2 purposes of this chapter. The department shall require reports from the licensee which must
3 include a statement of plans made for the ~~unmarried~~ mother and her child.

4 **SECTION 7. AMENDMENT.** Section 50-19-07 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **50-19-07. Inspection of maternity home ~~for unmarried mothers~~ and the records**
7 **thereof.** The department and its authorized agents may inspect any maternity home ~~for~~
8 ~~unmarried mothers~~ licensed under this chapter at any time. The department and its agents
9 shall have free access to every part of such home and to the records thereof, and they may see
10 and interview the patients therein.

11 **SECTION 8. AMENDMENT.** Section 50-19-08 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **50-19-08. Every birth attended by qualified physician.** Every birth occurring in a
14 maternity home ~~for unmarried mothers~~ must be attended by a legally qualified physician. If
15 none is available a registered nurse shall attend such birth and direct delivery services until the
16 services of a legally qualified physician may be obtained.

17 **SECTION 9. AMENDMENT.** Section 50-19-09 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **50-19-09. Reporting births.** The licensee of a maternity home ~~for unmarried mothers~~
20 shall report each birth occurring within the home to the state department of health in
21 accordance with chapter 23-02.1 and to the department as may be provided by law.

22 **SECTION 10. AMENDMENT.** Section 50-19-10 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **50-19-10. Records of maternity home confidential.** Except as otherwise authorized
25 by law, no agent of the state department of health or the department, or the licensee, under this
26 chapter, may disclose the contents of the records of a maternity home ~~for unmarried mothers~~
27 nor of the reports received from them, except:

- 28 1. In a judicial or administrative proceeding in response to an order of a court or
29 administrative tribunal; or
- 30 2. For a law enforcement purpose to a law enforcement official or a health oversight
31 agency for oversight activities authorized by law.

1 **SECTION 11. AMENDMENT.** Section 50-19-11 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **50-19-11. Offer or advertise to dispose of infants prohibited.** No maternity home
4 ~~for unmarried mothers~~ licensed under ~~the provisions of~~ this chapter may in any way offer to
5 dispose of any child, or advertise that it will give children for adoption, or hold itself out, directly
6 or indirectly, as being able to dispose of children, but may inform ~~an unmarried~~ a mother of
7 licensed child-placing agencies.

8 **SECTION 12. AMENDMENT.** Section 50-19-12 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **50-19-12. Revocation of license.** The department may revoke a license of any
11 maternity home ~~for unmarried mothers~~ upon a proper showing of any of the following:

- 12 1. Any of the conditions set forth in section 50-19-03 as requirements for the issuance
13 of the license no longer exists.
- 14 2. The license was issued upon fraudulent or untrue representations.
- 15 3. The owner or operator has violated any of the rules of the department.
- 16 4. The owner or operator of the maternity home has been guilty of an offense
17 determined by the department to have a direct bearing upon a person's ability to
18 serve the public as an owner or operator, or the department determines, following
19 the owner's or operator's conviction of any other offense, that the owner or
20 operator is not sufficiently rehabilitated under section 12.1-33-02.1.

21 **SECTION 13. AMENDMENT.** Section 50-19-13 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **50-19-13. Hearing on denial or revocation of license.** Before any application for a
24 license to conduct a maternity home ~~for unmarried mothers~~ is denied or before the revocation
25 of any such license by the department, written charges as to the reasons therefor must be
26 served upon the applicant or licensee, who has the right to a hearing before the department, if a
27 hearing is requested within ten days after service of the written charges.

28 **SECTION 14. AMENDMENT.** Section 50-19-14 of the North Dakota Century Code is
29 amended and reenacted as follows:

30 **50-19-14. Cooperation of interested persons and agencies.** The licensee of a
31 maternity home ~~for unmarried mothers~~, the physician, or other responsible person in

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- 1 attendance at birth, the state department of health and its agents, and the department and its
- 2 agents shall cooperate in all measures and services for improving and safeguarding the health
- 3 and social well-being of maternity patients and their infants cared for in a maternity home ~~for~~
- 4 ~~unmarried mothers.~~