

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED 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 50-19-04, 50-19-05, 50-19-06, 50-19-07, 50-19-10, 50-19-11, 50-19-12, 50-19-13, and
3 50-19-14 of the North Dakota Century Code, relating to maternity homes; and to repeal
4 sections 50-19-08 and 50-19-09 of the North Dakota Century Code, relating to births at
5 maternity homes.

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

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

9 **50-19-01. Definitions.** In this chapter, unless the context or subject matter otherwise
10 requires:

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

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

22 **50-19-02. License required.** Any person, partnership, voluntary association,
23 corporation, or limited liability company which operates a maternity home ~~for unmarried~~

1 ~~mothers~~ shall secure ~~annually~~ from the department a license at least once every two years as
2 required in this chapter.

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

5 **50-19-03. Requirements for license.** A license for the operation of a maternity home
6 ~~for unmarried mothers~~ must be issued by the department to a reputable and responsible
7 person, partnership, voluntary association, corporation, or limited liability company, upon
8 showing that:

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

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

20 **50-19-03.1. Conviction not bar to licensure - Exceptions.** Conviction of an offense
21 does not disqualify a person from licensure under this chapter unless the department
22 determines that the offense has a direct bearing upon a person's ability to serve the public as
23 the owner or operator of a maternity home ~~for unmarried mothers~~, or that, following conviction
24 of any offense, the person is not sufficiently rehabilitated under section 12.1-33-02.1.

25 **SECTION 5. AMENDMENT.** Section 50-19-04 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **50-19-04. Inspection and report by state department of health and state fire**
28 **marshal.** The department shall give notice to the state department of health and state fire
29 marshal of ~~all applications~~ each application for a license to operate a maternity home ~~for~~
30 ~~unmarried mothers~~. Upon receipt of ~~such~~ the notice, the state department of health and the fire
31 marshal shall inspect the facilities and premises of the applicant to determine ~~sanitary~~

1 ~~conditions and the adequacy of medical and and the fire marshal nursing services~~ compliance
2 with health and fire safety standards and shall report ~~its~~ their findings to the department.

3 **SECTION 6. AMENDMENT.** Section 50-19-05 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **50-19-05. Contents of license.** The license to operate a maternity home ~~for~~
6 ~~unmarried mothers~~ issued under the provisions of this chapter must set forth:

- 7 1. The name of the licensee.
- 8 2. The premises to which the license is applicable.
- 9 3. The number of patients who may be received in such premises at any one time.
- 10 4. The date of expiration of the license.

11 **SECTION 7. AMENDMENT.** Section 50-19-06 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **50-19-06. Regulation by department.** The department may prescribe forms for the
14 registration and record of ~~persons cared for~~ any individual who receives services in maternity
15 homes ~~for unmarried mothers~~ and may adopt reasonable rules for the conduct of such homes
16 as are necessary to carry out the purposes of this chapter. The department shall require
17 reports from the licensee which must include a statement of plans made for the ~~unmarried~~
18 mother and her child.

19 **SECTION 8. AMENDMENT.** Section 50-19-07 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **50-19-07. Inspection of maternity home ~~for unmarried mothers and the records~~**
22 **thereof.** The department and its authorized agents may inspect any maternity home ~~for~~
23 ~~unmarried mothers~~ licensed under this chapter at any time. The department and its agents
24 shall have free access to every part of such home and to the records thereof, and they may see
25 and interview ~~the patients therein~~ any individual who receives services from the maternity
26 home.

27 **SECTION 9. AMENDMENT.** Section 50-19-10 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **50-19-10. Records of maternity home confidential.** Except as otherwise authorized
30 by law, no agent of the state department of health, the state fire marshal, or the department, or

1 the licensee, under this chapter, may disclose the contents of the records of a maternity home
2 ~~for unmarried mothers~~ nor of the reports received from them, except:

- 3 1. In a judicial or administrative proceeding in response to an order of a court or
4 administrative tribunal; or
- 5 2. For a law enforcement purpose to a law enforcement official or a health oversight
6 agency for oversight activities authorized by law.

7 **SECTION 10. AMENDMENT.** Section 50-19-11 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **50-19-11. Offer or advertise to ~~dispose of infants~~ place a child for adoption**
10 **prohibited.** No maternity home ~~for unmarried mothers~~ licensed under ~~the provisions of this~~
11 chapter may in any way offer to ~~dispose of any~~ place a child, or advertise that it will give
12 children for adoption, or hold itself out, directly or indirectly, as being able to ~~dispose of~~ place
13 children for adoption, but may inform ~~an unmarried~~ a mother of licensed child-placing agencies.

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

16 **50-19-12. Revocation of license.** The department may revoke a license of any
17 maternity home ~~for unmarried mothers~~ upon a proper showing of any of the following:

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

27 **SECTION 12. AMENDMENT.** Section 50-19-13 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **50-19-13. Hearing on denial or revocation of license.** Before any application for a
30 license to conduct a maternity home ~~for unmarried mothers~~ is denied or before the revocation
31 of any such license by the department, written charges as to the reasons therefor must be

1 served upon the applicant or licensee, who has the right to a hearing before the department, if
2 a hearing is requested within ten days after service of the written charges.

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

5 **50-19-14. Cooperation of interested persons and agencies.** The licensee of a
6 maternity home ~~for unmarried mothers, the physician, or other responsible person in~~
7 ~~attendance at birth~~, the state department of health and its agents, the state fire marshal and the
8 fire marshal's designees, and the department and its agents shall cooperate in all measures
9 and services for improving and safeguarding the health and social well-being of ~~maternity~~
10 ~~patients~~ mothers and their infants ~~cared for~~ who receive services in a maternity home ~~for~~
11 ~~unmarried mothers~~.

12 **SECTION 14. REPEAL.** Sections 50-19-08 and 50-19-09 of the North Dakota Century
13 Code are repealed.