

**HOUSE BILL NO. 1276**

Introduced by

Representatives Porter, Rohr, Toman

Senators Berry, Poolman

1 A BILL for an Act to create and enact a new section to chapter 15.1-19 and a new subdivision to  
2 subsection 9 of section 43-12.1-04 of the North Dakota Century Code, relating to medication  
3 administration in primary or secondary public schools and exemptions from the nurse practices  
4 act.

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

6 **SECTION 1.** A new section to chapter 15.1-19 of the North Dakota Century Code is created  
7 and enacted as follows:

8 **Administration of medication - Opt-out - Liability.**

- 9 1. A teacher or classified staff member who is not employed as a school nurse or  
10 physician to administer medication may choose to not administer medication under  
11 section 43-12.1-04.  
12 2. An individual authorized to administer medication by section 43-12.1-04 is not civilly or  
13 criminally liable for any act or omission of that individual when acting in good faith  
14 while administering medication to a student, except when the conduct amounts to  
15 gross negligence.

16 **SECTION 2.** A new subdivision to subsection 9 of section 43-12.1-04 of the North Dakota  
17 Century Code is created and enacted as follows:

18 Within a primary or secondary school if the individual has received education and  
19 training in medication administration and has received written consent of the  
20 student's parent or guardian.