

Introduced by

1 A BILL for an Act to create and enact a new section to chapter 23-35 of the North Dakota
2 Century Code, relating to the fluoride varnish program; to amend and reenact subsection 6 of
3 section 43-28-02 of the North Dakota Century Code, relating to exceptions to the practice of
4 dentistry; and to provide for a legislative management report.

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

6 **SECTION 1.** A new section to chapter 23-35 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Fluoride varnish program - Report to legislative management.**

- 9 1. The department, in coordination with public health units, shall establish a fluoride
10 varnish program to provide fluoride varnish to each child enrolled in first grade at a
11 public or nonpublic school and residing within the jurisdiction of a public health unit.
12 2. Each public health unit shall arrange for the provision of fluoride varnish at no cost to
13 each eligible child either directly or through an arrangement with a qualified provider.
14 Fluoride varnish may not be applied to a child without the consent of the child's parent
15 or legal guardian.
16 3. The department shall reimburse a public health unit for costs incurred by the public
17 health unit in providing or arranging for the provision of fluoride varnish under this
18 section.
19 4. On or before August first of each even-numbered year, the department shall submit a
20 report to the legislative management regarding the outcomes of the program.

21 **SECTION 2. AMENDMENT.** Subsection 6 of section 43-28-02 of the North Dakota Century
22 Code is amended and reenacted as follows:

- 23 6. To a registered nurse, licensed practical nurse, medication assistant III or certified
24 medical assistant on the unlicensed assistive person registry, dental hygienist, or

1 dental assistant who has successfully completed a training program approved by the
2 board and who is applying topical fluoride varnish to an individual and is acting while
3 under the direct or general supervision of a physician or licensed dentist ~~if the~~
4 ~~registered nurse, licensed practical nurse, dental hygienist, or dental assistant has~~
5 ~~successfully completed a training program approved by the board.~~