

HEALTH AND SAFETY

CHAPTER 182

H. B. No. 599
(Haugland, Gefreh)

CONFIDENTIAL HEALTH STUDIES

AN ACT

Relating to research studies conducted by the state department of health and other agencies, providing for the confidential character of such studies, and providing a penalty.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Research Studies Confidential.)

1. All information, records of interviews, written reports, statements, notes, memoranda, or other data procured by the state department of health, in connection with studies conducted by the state department of health, or carried on by the said department jointly with other persons, agencies or organizations, or procured by such other persons, agencies or organizations, for the purpose of reducing the morbidity or mortality from any cause or condition of health shall be confidential and shall be used solely for the purposes of medical or scientific research.
2. Such information, records, reports, statements, notes, memoranda, or other data shall not be admissible as evidence in any action of any kind in any court or before any other tribunal, board, agency or person. Such information, records, reports, statements, notes, memoranda, or other data shall not be exhibited nor their contents disclosed in any way, in whole or in part, by any officer or representative of the state department of health, nor by any other person, except as may be necessary for the purpose of furthering the research project to which they relate. No person participating in such research project shall disclose, in any manner, the information so obtained except in strict conformity with such research project. No officer or employee of said department shall interview any patient named in any such report, nor a relative of any such patient, unless the consent of the attending physician and surgeon is first obtained.

3. The furnishing of such information to the state department of health or its authorized representative, or to any other cooperating agency in such research project, shall not subject any person, hospital, sanitarium, rest home, nursing home or other person or agency furnishing such information, to any action for damages or other relief.

§ 2. **Penalty.**) Any disclosure other than is provided for in section 1 of this Act, is hereby declared to be a misdemeanor and punishable as such.

Approved March 12, 1957.

CHAPTER 183

H. B. No. 590
(Paulson, Nygaard)

FIRE EXTINGUISHERS OR STANDPIPES IN HOTELS

AN ACT

To amend and reenact section 23-0906 of the North Dakota Revised Code of 1943, relating to chemical fire extinguishers and standpipes.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.**) Section 23-0906 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-0906. Chemical Fire Extinguishers: Standpipes.) Each hotel and lodginghouse shall be provided with at least one chemical fire extinguisher, approved by the National Board of Fire Underwriters, for every twenty-five hundred square feet or less of floor area. Such extinguishers shall be placed in a convenient location in the public hallways outside of the sleeping rooms, and always shall be in condition for use. In lieu of such fire extinguishers, a lodginghouse or hotel may be equipped with not less than one and one-fourth inch standpipe with sufficient water pressure and hose connections and hose attached thereto of sufficient length to reach both ends of the hall in which the standpipe is located. The state fire marshal shall adopt and promulgate reasonable rules and regulations governing the minimum specifications for approved fire extinguishers. A contract for sale or a sale of a

fire extinguisher installation in a public building shall not be enforceable, if the fire extinguisher is of a type not approved by the state fire marshal for such installation. No fire extinguisher of a type not approved by the state fire marshal shall be sold or offered for sale within the state.

Approved March 12, 1957.

CHAPTER 184

S. B. No. 42

(Legislative Research Committee)

DAIRY PRODUCTS: INSPECTION AND STANDARDS

AN ACT

Relating to standards for dairy products and the inspection thereof.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) The state health department and the dairy department of the department of agriculture and labor shall jointly adopt a set of uniform standards in relation to all matters falling within their joint jurisdiction regarding dairy products. The state health department, district health units, municipal health departments or units, and the dairy department shall each be permitted to accept any inspection report of the other department or unit regarding the inspection of dairy products and the producers and processors of such products, where such report is based substantially upon standards conforming with the Milk Ordinance and Code recommended by the United States public health service.

Approved March 13, 1957.

CHAPTER 185

H. B. No. 600
(Haugland, Gefreh)

RADIATION REGULATION

AN ACT

Relating to the registration of users of radioactive materials or radiation machines with the state department of health for the purpose of protecting health, providing for the issuance of certificates of registration, and providing a penalty.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Statement Of Policy.) Whereas, radiation can be instrumental in the improvement of health, welfare, and productivity of the public if properly utilized, and may impair the health of the people and the industrial and agricultural potentials of the state if improperly utilized, it is hereby declared to be the public policy of this state to encourage the constructive uses of radiation and to control any associated harmful effects.

§ 2. Definitions.) For the purposes of this Act, the following words and phrases are defined:

1. Radiation is gamma rays and X-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared, or ultraviolet light.
2. Radiation machine is any device that produces radiations when the associated control devices are operated.
3. Radioactive material is any material, solid, liquid, or gas, that emits radiation spontaneously.

§ 3. Registration Agency.) The North Dakota state department of health is hereby designated as the agency to receive registration applications and to issue certificates of registration.

§ 4. Registration Required.) Each manufacturer, processor, and refiner of radioactive isotopes and each hospital, clinic, manufacturing establishment, research or educational institution, experiment station, processing mill, or other institution or place of business or process where radiation is produced or radioactive materials are used, manufactured, processed, packaged, refined, produced, disposed or concentrated shall register

with the state department of health. The state mine inspector shall register with the state department of health any mine which is producing or has produced radioactive substances. It shall be the duty of each manager or officer in charge of any institution or establishment concerned with radioactive materials as described herein to make written application to the state health officer for a registration form.

§ 5. **Certificate Of Registration.**) Upon satisfactory completion and submission of the registration form supplying the required information to determine whether the health of the public or persons working in such establishments may be adversely affected by using, manufacturing, processing, packing, refining, disposing, producing or concentrating of such radioactive isotopes and materials, the state health officer shall issue the applicant a certificate of registration.

§ 6. **Penalty.**) Any person, firm, establishment or institution as set forth in section 4 of this Act who shall fail to register and obtain a certificate of registration as required by this Act shall be deemed guilty of a misdemeanor.

Approved March 12, 1957.

CHAPTER 186

H. B. No. 817
(Beede)

LICENSURE OF MEDICAL HOSPITALS

AN ACT

To amend and reenact section 23-1601 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to licensure of medical hospitals.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.**) Section 23-1601 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1601. Licensure Of Medical Hospitals; State Hospitals.) After July 1, 1947, no person, partnership, association, corporation, county or municipal corporation, or agency thereof, which maintains and operates organized facilities for the diagnosis, treatment and/or care of two or more nonrelated persons

suffering from illness, injury, or deformity, or where obstetrical or other care is rendered over a period exceeding twenty-four hours shall be established, conducted, or maintained in the state of North Dakota without obtaining annually a license therefor in the manner hereinafter provided in sections 23-1602 and 23-1603. Hospitals maintained and operated by the state board of public welfare such as those for the aged and infirm and those for unmarried mothers and chiropractic hospitals and sanatoriums (and emergency or transfer beds not to exceed four in number attached to and forming a part of the office of a licensed medical doctor) are not required to obtain a license under this chapter. In the case of hospitals maintained and operated by the state or in the case of homes licensed by the state board of public welfare, the state department of health shall have the responsibility of inspecting, rendering consultation service, and making recommendations on phases of hospital administration covered in the standards promulgated by the health council. The state hospital located at Jamestown may also obtain an annual license from the state department of health as provided for in section 23-1602 and 23-1603 of the 1953 Supplement to the North Dakota Revised Code of 1943.

In the case of emergency or transfer beds attached to and forming a part of a licensed medical doctor's office the state department of health shall have the right of inspection.

Approved March 16, 1957.