

SENATE BILL NO. 2070

Introduced by

Judiciary Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to create and enact a new section to chapter 25-03.1 of the North Dakota
2 Century Code, relating to interstate contracts for the treatment of individuals with mental illness
3 or chemical dependency.

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

5 **SECTION 1.** A new section to chapter 25-03.1 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Interstate contracts for treatment of mental illness or chemical dependency.**

- 8 1. For purposes of this section, "bordering state" means Minnesota, Montana, or
9 South Dakota.
- 10 2. Unless prohibited by another law and subject to the exceptions in subsection 3, the
11 department may contract with any appropriate treatment facility in a bordering state
12 for the treatment of mental illness or chemical dependency for residents of North
13 Dakota. The department may also contract with any public or private agency or
14 facility to provide treatment of mental illness or chemical dependency in North
15 Dakota to residents of a bordering state. An individual who receives treatment for
16 mental illness or chemical dependency in another state under this section is
17 subject to the laws of the state in which treatment is provided. An individual who
18 receives treatment in another state under this section must be informed of the
19 consequences of receiving treatment in another state, including the implications of
20 the differences in state laws.
- 21 3. A contract may not be entered under this section for treatment to individuals who:
22 a. Are serving a sentence after conviction of a criminal offense;
23 b. Are on probation or parole;
24 c. Are the subject of a presentence investigation; or

- 1 d. Have been committed involuntarily in North Dakota under chapter 25-03.1 for
2 treatment of mental illness or chemical dependency, except as provided under
3 subsection 5.
- 4 4. Contracts entered under this section must, at a minimum:
- 5 a. Describe the services to be provided;
- 6 b. Establish responsibility for the costs of services;
- 7 c. Establish responsibility for the costs of transporting individuals receiving
8 services under this section;
- 9 d. Specify the duration of the contract;
- 10 e. Specify the means of terminating the contract;
- 11 f. Specify the terms and conditions for refusal to admit or retain an individual;
12 and
- 13 g. Identify the goals to be accomplished by the placement of an individual under
14 this section.
- 15 5. The department may enter negotiations with appropriate personnel of a bordering
16 state to develop an agreement that conforms to the requirements of this section.
17 An agreement with a bordering state must enable the placement in North Dakota of
18 individuals who are on emergency holds or who have been involuntarily committed
19 as mentally ill or chemically dependent in a bordering state and enable the
20 temporary placement in a bordering state of patients who are on emergency holds
21 in North Dakota under chapter 25-03.1. An agreement with a bordering state must
22 also provide that the North Dakota courts retain jurisdiction over North Dakota
23 residents, and that the bordering state affords to North Dakota residents the rights
24 afforded to them under North Dakota law. Individuals committed by a court of a
25 bordering state and placed in North Dakota facilities continue to be in the legal
26 custody of the bordering state. The bordering state's laws governing length of
27 commitment, reexaminations, and extension of commitment must continue to apply
28 to these residents. In all other respects, residents of a bordering state placed in
29 North Dakota facilities are subject to North Dakota laws. An agreement with a
30 bordering state must specify that responsibility for payment for the cost of care of a
31 resident of a bordering state remains with the bordering state of which that

Fifty-eighth
Legislative Assembly

- 1 individual is a resident and the cost of care of a North Dakota resident remains with
- 2 the state of North Dakota.