

SENATE BILL NO. 2166

Introduced by

Senators J. Lee, Kilzer, Mathern

Representatives Delzer, Kreidt

1 A BILL for an Act to amend and reenact subsection 2 of section 19-03.3-01 and sections
2 19-03.3-02, 19-03.3-03, 19-03.3-04, and 19-03.3-05 of the North Dakota Century Code, relating
3 to treatment and care for pain.

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

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 19-03.3-01 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 2. "~~Intractable pain~~ Pain" means a pain state ~~in which the cause of the pain cannot be~~
8 ~~removed or otherwise treated and which in the generally accepted course of~~
9 ~~medical practice no relief or cure of the cause of the pain is possible or none has~~
10 ~~been found after reasonable efforts~~ that persists beyond the usual course of an
11 acute disease or healing of an injury or that may or may not be associated with an
12 acute or chronic pathologic process that causes continuous or intermittent pain
13 over months or years.

14 **SECTION 2. AMENDMENT.** Section 19-03.3-02 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **19-03.3-02. Prescription or administration of drugs by physician.** Notwithstanding
17 any other provision of law, a physician may prescribe or administer controlled substances to a
18 patient in the course of the physician's treatment of the patient for ~~intractable~~ pain. A physician
19 shall keep records of purchases and disposals of controlled substances prescribed or
20 administered under this section. The records must include the date of purchase, the date of
21 sale or administration by the physician, the name and address of the patient, and the reason for
22 the prescribing or the administering of the substances to the patient.

23 **SECTION 3. AMENDMENT.** Section 19-03.3-03 of the North Dakota Century Code is
24 amended and reenacted as follows:

1 **19-03.3-03. Restriction by hospital or health care facility of prescribed drug use**
2 **prohibited.** No hospital or health care facility may forbid or restrict the use of controlled
3 substances when prescribed or administered by a physician having staff privileges at that
4 hospital or health care facility for a patient diagnosed and treated by a physician for ~~intractable~~
5 pain.

6 **SECTION 4. AMENDMENT.** Section 19-03.3-04 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **19-03.3-04. Disciplinary action for prescribing or administering drug treatment**
9 **prohibited.** The board may not discipline a physician for prescribing or administering
10 controlled substances in the course of treatment of a patient for ~~intractable~~ pain under this
11 chapter.

12 **SECTION 5. AMENDMENT.** Section 19-03.3-05 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **19-03.3-05. Application.** This chapter does not apply to a person being treated by a
15 physician for chemical dependency because of the person's use of controlled substances. This
16 chapter does not authorize a physician to prescribe or administer controlled substances for pain
17 to a person the physician knows is using those controlled substances for nontherapeutic
18 purposes. A person to whom controlled substances are prescribed or administered for
19 ~~intractable~~ pain is not exempt from section 39-08-01 or 39-20-04.1.