

Introduced by

1 A BILL for an Act to amend and reenact section 15.1-07-34, subsection 1 of section 25-03.1-11,
2 and sections 25-03.1-26 and 50-11.1-02.3 of the North Dakota Century Code, relating to
3 behavioral health training for educators and early childhood service providers and to emergency
4 hold limitations for mental health examinations.

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

6 **SECTION 1. AMENDMENT.** Section 15.1-07-34 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15.1-07-34. Provision of youth mental health training to teachers, administrators, and**
9 **ancillary staff.**

10 1. Once every two years, each school district shall provide a minimum of eight hours of
11 training on youth mental health to elementary, middle, and high school teachers and
12 administrators. Each school district shall encourage ancillary and support staff to
13 participate in the training.

14 a. At least two of the training hours must focus on one or more of the following
15 behavioral health-related areas:

16 (1) Behavioral disorders;

17 (2) Social and emotional needs of students;

18 (3) Suicide prevention;

19 (4) Bullying;

20 (5) Proven evidence-based strategies that reduce risk factors for students; and

21 (6) Other categorical issues, including depression, eating disorders, drug
22 abuse, stress, and trauma.

23 b. The remainder of the training must include:

- 1 a. (1) Understanding of the prevalence and impact of youth mental health
- 2 disorders on family structure, education, juvenile services, law enforcement,
- 3 and health care and treatment providers;
- 4 b. (2) Knowledge of mental health symptoms, social stigmas, risks, and protective
- 5 factors; and
- 6 e. (3) Awareness of referral sources and strategies for appropriate interventions.
- 7 2. A school district may specialize the training program to address specific needs of a
- 8 school district or of a specific school within the school district.
- 9 3. Each school district shall report the outcome of the training to the department of public
- 10 instruction.
- 11 3.4. The superintendent of public instruction shall collaborate with regional education
- 12 associations to disseminate information, training materials, and notice of training
- 13 opportunities to school districts and nonpublic schools.

14 **SECTION 2. AMENDMENT.** Subsection 1 of section 25-03.1-11 of the North Dakota
15 Century Code is amended and reenacted as follows:

- 16 1. The respondent must be examined within a reasonable time by an expert examiner as
- 17 ordered by the court. If the respondent is taken into custody under the emergency
- 18 treatment provisions of this chapter, the examination must be conducted within
- 19 ~~twenty-four hours, exclusive of holidays, of custody~~the time limitations set forth in
- 20 section 25-03.1-26. Any expert examiner conducting an examination under this section
- 21 may consult with or request participation in the examination by any qualified mental
- 22 health professional and may include with the written examination report any findings or
- 23 observations by that mental health professional. This examination report, and that of
- 24 the independent examiner, if one has been requested, must be filed with the court.
- 25 The report must contain:
 - 26 a. Evaluations of the respondent's physical condition and mental status.
 - 27 b. A conclusion as to whether the respondent is a person requiring treatment, with a
 - 28 clear explanation of how that conclusion was derived from the evaluation.
 - 29 c. If the report concludes that the respondent is a person requiring treatment, a list
 - 30 of available forms of care and treatment that may serve as alternatives to
 - 31 involuntary hospitalization.

1 d. The signature of the examiner who prepared the report.

2 **SECTION 3. AMENDMENT.** Section 25-03.1-26 of the North Dakota Century Code is
3 amended and reenacted as follows:

4 **25-03.1-26. Emergency procedure - Acceptance of petition and individual - Notice -**
5 **Court hearing set.**

6 1. A public treatment facility immediately shall accept and a private treatment facility may
7 accept on a provisional basis the application and the individual admitted under section
8 25-03.1-25. The superintendent or director shall require an immediate examination of
9 the subject and, either within twenty-four hours, exclusive of holidays, after admission
10 or within seventy-two hours after admission, exclusive of holidays, if the individual is
11 admitted with a serious physical condition or illness that requires prompt treatment,
12 shall either release:

13 a. Release the individual if the superintendent or director finds that the subject does
14 not meet the emergency commitment standards; or file

15 b. File a petition if one has not been filed with the court of the individual's residence
16 or the court which directed immediate custody under subsection 2 of section
17 25-03.1-25, giving notice to the court and stating in detail the circumstances and
18 facts of the case.

19 2. Upon receipt of the petition and notice of the emergency detention, the magistrate
20 shall set a date for a preliminary hearing, if the respondent is alleged to be a person
21 who is mentally ill or a person who is both mentally ill and chemically dependent, or a
22 treatment hearing, if the respondent is alleged to be a person who is chemically
23 dependent, to be held no later than four days, exclusive of weekends and holidays,
24 after detention unless the person has been released as a person not requiring
25 treatment, has been voluntarily admitted for treatment, has requested or agreed to a
26 continuance, or unless the hearing has been extended by the magistrate for good
27 cause shown. The magistrate shall appoint counsel if one has not been retained by
28 the respondent.

29 **SECTION 4. AMENDMENT.** Section 50-11.1-02.3 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **50-11.1-02.3. Early childhood services providers - Training on infant safe sleep**
2 **practices and behavioral health issues.**

3 The department shall adopt rules to require an early childhood service provider and the
4 provider's staff members who are responsible for the care or teaching of children ~~under~~:

5 1. Under the age of one to ~~annually~~ complete annually a department approved sudden
6 infant death syndrome prevention training course; and

7 2. To complete annually a minimum of two hours of department approved training relating
8 to behavioral health issues of children.