

Introduced by

Representative Keiser

Senators Anderson, J. Lee

1 A BILL for an Act to amend and reenact sections 19-03.5-09 and 19-03.5-10 of the North  
2 Dakota Century Code, relating to adoption of administrative rules governing use of the  
3 prescription drug monitoring program.

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

5 **SECTION 1. AMENDMENT.** Section 19-03.5-09 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **19-03.5-09. Authority to adopt rules - Rules adopted by professional licensing boards.**

8 1. The state board of pharmacy may adopt rules that set forth the procedures and  
9 methods for implementing the prescription drug monitoring program under this  
10 chapter.

11 2. Each professional licensing board that is responsible for the licensing of individuals  
12 authorized to prescribe or dispense controlled substances for human consumption  
13 shall adopt rules under chapter 28-32 to require licensed individuals under that board's  
14 jurisdiction who prescribe or dispense controlled substances to humans to utilize the  
15 prescription drug monitoring program. In drafting rules required under this subsection,  
16 each professional licensing board shall consult with the state board of pharmacy, the  
17 other boards required to adopt rules under this subsection, and the advisory council in  
18 order to maximize the uniformity among the rules for each profession. All or any of the  
19 professional licensing boards subject to the rulemaking requirement of this subsection  
20 may conduct a joint rulemaking proceeding under chapter 28-32 to implement rules  
21 required by this subsection.

22 **SECTION 2. AMENDMENT.** Section 19-03.5-10 of the North Dakota Century Code is  
23 amended and reenacted as follows:

1       **19-03.5-10. Reporting unlawful acts and penalties.**

- 2       1.    The board may report to a dispenser's licensing board any dispenser who knowingly  
3           fails to submit prescription drug monitoring information to the board as required by this  
4           chapter or by administrative rule or who knowingly submits incorrect prescription  
5           information to the board.
- 6       2.    A person, including a vendor, ~~who~~that uses or discloses prescription drug monitoring  
7           information in violation of this chapter is subject to the penalty provided in section  
8           12.1-13-01.