

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2198

Introduced by

Senators J. Lee, Anderson, Mathern

Representatives Roers Jones, Schreiber-Beck

1 A BILL for an Act to amend and reenact sections 23-01-44 and 50-06-01 of the North Dakota
2 Century Code, relating to duties of the department of human services behavioral health division.

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

4 **SECTION 1. AMENDMENT.** Section 23-01-44 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **23-01-44. Syringe or needle exchange program - Authorization.**

7 1. As used in this section:

8 a. "Program" means a syringe exchange program established and operated under
9 this section.

10 b. "Qualified entity" means:

11 (1) A local health department;

12 (2) A city that operates a program within the boundaries of the city; or

13 (3) An organization that has been authorized to operate a program by the state
14 department of health, the board of county commissioners, or the governing
15 body for the operation of a program within the boundaries of the city.

16 2. The state department of health, in collaboration with the department of human
17 services behavioral health division, shall design a syringe exchange program. The
18 state department of health shall administer the program.

19 3. The state department of health may authorize a qualified entity to operate a program
20 in a county if:

21 a. The area to be served is at risk of an increase or potential increase in prevalence
22 of viral hepatitis or human immunodeficiency virus;

23 b. A syringe exchange program is medically appropriate as part of a comprehensive
24 public health response; and

1 c. The qualified entity conducted a public hearing and submitted a report of the
2 findings and an administration plan for the program to the state health officer.

3 ~~3.4.~~ A qualified entity operating a program under this chapter shall:

4 a. Register the program annually in the manner prescribed by the state department
5 of health;

6 b. Have a pharmacist, physician, or advanced practice registered nurse who is
7 licensed in the state to provide oversight for the program;

8 c. Store and dispose of all syringes and needles collected in a safe and legal
9 manner;

10 d. Provide education and training on drug overdose response and treatment,
11 including the administration of an overdose reversal medication;

12 e. Provide education, referral, and linkage to human immunodeficiency virus, viral
13 hepatitis, and sexually transmitted disease prevention, treatment, and care
14 services;

15 f. Provide drug addiction treatment information; and referrals to drug treatment
16 programs, including programs in the local area and programs that offer
17 medication-assisted treatment that includes a federal food and drug
18 administration approved long-acting, non-addictive medication for the treatment
19 of opioid or alcohol dependence;

20 g. Provide syringe, needle, and injection supply distribution and collection without
21 collecting or recording personally identifiable information;

22 h. Operate in a manner consistent with public health and safety; and

23 i. Ensure the program is medically appropriate and part of a comprehensive public
24 health response.

25 ~~4.5.~~ The state department of health may terminate a program for failure to comply with any
26 of the provisions in this section.

27 ~~5.6.~~ A state agency may not provide general fund monies to a program to purchase or
28 otherwise acquire hypodermic syringes, needles, or injection supplies for a program
29 under this section.

30 ~~6.7.~~ A law enforcement officer may not stop, search, or seize an individual based on the
31 individual's participation in a program under this section. Syringes and needles

1 appropriately collected under this section are not considered drug paraphernalia as
2 provided in chapter 19-03.4 or possession of a controlled substance under section
3 19-03.1-23.

4 7-8. Each program shall file a semiannual report with the state department of health
5 containing the following information listed on a daily basis and by location, identified by
6 the postal zip code, where the program distributed and collected syringes and
7 needles:

- 8 a. The number of individuals served;
- 9 b. The number of syringes and needles collected;
- 10 c. The number of syringes and needles distributed; and
- 11 d. Any additional information requested by the state department of health.

12 **SECTION 2. AMENDMENT.** Section 50-06-01 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **50-06-01. Definition.**

15 As used in this chapter, unless the context otherwise requires:

- 16 1. "Behavioral health" means the planning and implementation of preventive,
17 consultative, diagnostic, treatment, crisis intervention, ~~and rehabilitative,~~ and suicide
18 prevention services for individuals with mental, emotional, or substance use disorders,
19 and psychiatric conditions.
- 20 2. "Behavioral health provider" means any licensed or accredited behavioral health
21 provider in this state.
- 22 3. "Department" means the department of human services.
- 23 4. "Human services" means services provided to an individual or an individual's family in
24 need of services to assist the individual or the individual's family in achieving and
25 maintaining basic self-sufficiency, including physical health, mental health, education,
26 welfare, food and nutrition, and housing.