

Introduced by

Human Services Committee

(At the request of the Department of Health and Human Services)

1 A BILL for an Act to amend and reenact sections 50-31-02, 50-31-04, 50-31-05, and 50-31-08 of  
2 the North Dakota Century Code, relating to licensure, inspection, suspension, and revocation of  
3 a substance abuse treatment program.

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

5 **SECTION 1. AMENDMENT.** Section 50-31-02 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **50-31-02. License required.**

8 A person, partnership, association, corporation, or limited liability company without a license  
9 may not establish, conduct, or maintain in this state a substance ~~abuse~~use disorder treatment  
10 program for the care of persons addicted to alcohol or other drugs. The department, in  
11 accordance with the laws of this state governing injunctions and other process, may maintain an  
12 action in the name of the state against a person, partnership, association, corporation, or limited  
13 liability company for establishing, conducting, managing, or operating a substance ~~abuse~~use  
14 disorder treatment program without a license.

15 **SECTION 2. AMENDMENT.** Section 50-31-04 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **50-31-04. Inspection and evaluation of licensed premises.**

18 Every licensed substance ~~abuse~~use disorder treatment program shall obtain and provide to  
19 the department a local or state authority certification as to the safety of the premises. The  
20 department shall evaluate every licensed substance ~~abuse~~use disorder treatment program  
21 according to the rules adopted by the department.

22 **SECTION 3. AMENDMENT.** Section 50-31-05 of the North Dakota Century Code is  
23 amended and reenacted as follows:

1       **50-31-05. Issuance, suspension, and revocation of license.**

- 2       1. The department may issue licenses to operate substance ~~abuse~~use disorder
- 3       treatment programs, for a period of three years, which are found to comply with the
- 4       provisions of this chapter and rules adopted by the department.
- 5       2. The department may suspend or revoke a license if a program violates any of the
- 6       rules adopted by the department.
- 7       3. Before a license may be suspended or revoked, written notice must be given to the
- 8       licenseholder. The licenseholder must be furnished with a copy of the notice by
- 9       ~~registered~~ mail or electronic mail. If a license is revoked, a new application for a
- 10      license may be considered by the department when the conditions upon which the
- 11      revocation were based have been corrected and evidence of this fact has been
- 12      satisfactorily furnished. A new license may then be granted after proper inspection has
- 13      been made and the applicant has complied with all rules adopted by the department.
- 14      Within thirty days after service of the written charges, the applicant or licensee may
- 15      submit to the department a written request for an administrative hearing as provided in
- 16      chapter 28-32.

17      **SECTION 4. AMENDMENT.** Section 50-31-08 of the North Dakota Century Code is

18      amended and reenacted as follows:

19      **50-31-08. Opioid treatment programs - Licensure required - Rules.**

- 20      1. To operate in this state, an opioid treatment program must be granted a license from
- 21      the department, certification from the United States department of health and human
- 22      services substance abuse and mental health services administration, and registration
- 23      from the United States department of justice drug enforcement administration.
- 24      2. The department may license a substance ~~abuse~~use disorder treatment program to
- 25      operate an opioid treatment program in the state. A separate license is required for
- 26      each location at which an opioid treatment program is operated under this section.
- 27      3. The department shall adopt rules relating to licensing and monitoring opioid treatment
- 28      programs, including rules for:
- 29      a. Standards for approval and maintenance of license;
- 30      b. Assessment of need for an opioid treatment program in the proposed location;
- 31      c. Patient eligibility for admission to an opioid treatment program;

- 1           d. Treatment standards, including counseling and drug testing requirements; and
- 2           e. Measures to prevent the diversion to illegal use of any drug used by a program to
- 3           treat an opioid addiction.
- 4       4. Each state-licensed opioid treatment program shall submit by electronic means
- 5           information regarding each prescription dispensed for a controlled substance to the
- 6           state's prescription drug monitoring program, unless specifically exempted by federal
- 7           law.