

# HEALTH AND SAFETY

## CHAPTER 198

H. B. No. 588

(Neukircher, Dahl, Glaspey, Hornstein,  
(Loewen, Ostrem, Scott)

### ENFORCEMENT OF CEMETERY REGULATIONS

#### AN ACT

To amend and reenact subsection 5 of section 23-06-21 and section 23-06-23 of the North Dakota Century Code, relating to the state department of health enforcement of cemetery regulations including furnishing reports and submitting plans.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **Amendment.)** Subsection 5 of section 23-06-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. Furnish such information and reports as the state health department may require including but not limited to the submission of plans and specifications for review and approval before constructing, erecting, or placing on the burial site for the burial or disposition of any human remains any interment structure or device constructed or placed wholly or partially above the natural surface of the ground; and

§ 2. **Amendment.)** Section 23-06-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**23-06-23. State Department of Health to Enforce Regulation of Cemeteries—Injunction.)** The state department of health shall make and enforce such rules and regulations as are necessary to carry out the laws relating to the regulation of cemeteries and may through injunction or other legal process enforce compliance.

Approved February 25, 1961.

## CHAPTER 199

S. B. No. 182

(Committee on State and Federal Government)

HEALTH DEPARTMENT INSPECTIONS, CONSULTATIONS  
AND INJUNCTIONS

## AN ACT

To amend and reenact section 23-16-05 and section 23-16-12 of the North Dakota Century Code, relating to state department of health inspections, consultations, and injunctions, and declaring an emergency.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **Amendment.)** Section 23-16-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**23-16-05. Inspections, Consultations, and Approval of Plans.)** The state department of health shall make or cause to be made such inspections as may be prescribed by regulation. The health council may prescribe by regulations that any licensee or prospective applicant desiring to make a substantial alteration or addition to its facilities or to construct new facilities shall before commencing such alteration, addition or new construction, submit plans and specifications therefor to the state department of health for preliminary inspection, recommendation and approval.

§ 2. **Amendment.)** Section 23-16-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**23-16-12. Injunction.)** The department of health, in accordance with the laws of the state governing injunctions and other process, may maintain an action in the name of the state against any person, partnership, association, or corporation, for establishing, conducting, managing or operating any hospital within the meaning of the chapter without first having a license therefor as herein provided or without first obtaining from the state department of health written approval of plans and specifications for major alterations of, additions to, or construction of health facilities.

§ 3. **Emergency.)** This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 28, 1961.

## CHAPTER 200

H. B. No. 542

(Haugland, Karabensch, Sorlie,)

(Stallman, Trom)

(From LRC Study)

## STERILIZATION

## AN ACT

To amend and reenact sections 23-08-03 and 23-08-06 of the North Dakota Century Code, relating to sterilization of persons in state institutions.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **Amendment.)** Section 23-08-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**23-08-03. Heads of State Institutions Report Persons Who Should Be Sterilized to Board of Examiners.)** The warden, superintendent, or other head of the penitentiary, the state hospital, the state training school, and the Grafton state school shall report quarterly to the board of examiners each feeble-minded, or mentally ill person and each habitual criminal, moral degenerate, or sexual pervert within his institution who is a potential producer of offspring and who, in the opinion of the superintendent or warden should be sterilized, because of the inheritance of inferior or antisocial traits of such persons, they probably would become social menaces or wards of the state. The criminals who shall come within the operation of the provisions of this chapter shall be those who are moral degenerates or sexual perverts or who are addicted to the practice of sodomy, the crime against nature, or to other gross, bestial, and perverted sexual habits and practices prohibited by statute.

§ 2. **Amendment.)** Section 23-08-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**23-08-06. When Sterilization Ordered.)** If, in the judgment of all the members of the board of examiners, procreation by any person reported to it under the provisions of this chapter would produce children with an inherited tendency to feeble-mindedness, mental illness, criminality, or degeneracy, and there is no probability that the condition of the person so examined will improve to such an extent as to render pro-

creation by any such person advisable, or if the physical or mental condition of any such person will be substantially improved by sterilization, the board, after the examination and hearing, may make an order requiring the person to be sterilized.

Approved February 28, 1961.