

HOUSE BILL NO. 1108

Introduced by

Representatives Hager, Murphy

Senator Mathern

1 A BILL for an Act to amend and reenact section 25-03.1-34.2 of the North Dakota Century
2 Code, relating to interstate contracts for treatment of mental illness or a substance use disorder;
3 and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Section 25-03.1-34.2 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **25-03.1-34.2. Interstate contracts for treatment of mental illness or a substance use**
8 **disorder.**

9 1. For purposes of this section, "bordering state" means Minnesota, Montana, or South
10 Dakota.

11 2. Unless prohibited by another law and subject to the exceptions in subsection ~~34~~, the
12 department may contract with ~~any~~:

13 a. An appropriate treatment or detoxification facility in a bordering state for the
14 treatment of mental illness or substance use disorders or for providing substance
15 use disorder detoxification services for residents of North Dakota. ~~The~~
16 ~~department may also contract with any; or~~

17 b. A bordering state to allow for a public or private agency or facility to provide
18 treatment of mental illness or substance use disorders or to provide substance
19 use disorder detoxification services in North Dakota to residents of a bordering
20 state.

21 3. An individual who receives treatment for mental illness or a substance use disorder or
22 who receives substance use disorder detoxification services in another state under
23 this section is subject to the laws of the state in which treatment or detoxification is
24 provided. An individual who receives treatment or detoxification in another state under

1 this section must be informed of the consequences of receiving treatment or
2 detoxification in another state, including the implications of the differences in state
3 laws.

4 ~~3.4.~~ A contract may not be entered under this section for treatment or detoxification to
5 ~~individuals~~an individual who:

6 a. ~~Are~~is serving a sentence after conviction of a criminal offense;

7 b. ~~Are on probation or parole;~~

8 c. ~~Are~~is the subject of a presentence investigation; or

9 d. ~~Have~~

10 e. Has been committed involuntarily in North Dakota under chapter 25-03.1 for

11 treatment of mental illness or a substance use disorder, except as provided under

12 subsection ~~56~~.

13 ~~4.5.~~ Contracts entered under this section must, at a minimum:

14 a. Describe the services to be provided;

15 b. Establish responsibility for the costs of services;

16 c. Establish responsibility for the costs of transporting ~~individuals~~an individual

17 receiving services under this section;

18 d. Specify the duration of the contract;

19 e. Specify the means of terminating the contract;

20 f. Specify the terms and conditions for refusal to admit or retain an individual; and

21 g. Identify the goals to be accomplished by the placement of an individual under this

22 section.

23 ~~5.6.~~ The department may enter negotiations with appropriate personnel of a bordering

24 state to develop an agreement that conforms to the requirements of this section. An

25 agreement with a bordering state may enable the placement in North Dakota of

26 ~~individuals~~an individual who ~~require~~requires detoxification services, ~~are~~is on an

27 emergency ~~hold~~hold, or who ~~have~~has been involuntarily committed as mentally ill or

28 having a substance use disorder in a bordering state and enable the temporary

29 placement in a bordering state of ~~patients~~a patient who ~~require~~requires detoxification

30 services or who ~~are~~is on an emergency ~~hold~~hold in North Dakota under chapter

31 25-03.1.

- 1 7. An agreement with a bordering state must ~~provide that the~~ specify that:
- 2 a. North Dakota courts retain jurisdiction over North Dakota residents, and that the
- 3 bordering state affords to North Dakota residents the rights afforded to the
- 4 residents under North Dakota law; and
- 5 b. Responsibility for payment for the cost of care of a resident of a bordering state
- 6 remains with the bordering state of which that individual is a resident and the cost
- 7 of care of a North Dakota resident remains with the state of North Dakota.
- 8 8. Individuals committed by a court of a bordering state and placed in North Dakota
- 9 facilities continue to be in the legal custody of the bordering state. The bordering
- 10 state's laws governing length of commitment, re-examinations, and extension of
- 11 commitment must continue to apply to these residents. In all other respects, residents
- 12 of a bordering state placed in North Dakota facilities are subject to North Dakota laws.
- 13 ~~An agreement with a bordering state must specify that responsibility for payment for~~
- 14 ~~the cost of care of a resident of a bordering state remains with the bordering state of~~
- 15 ~~which that individual is a resident and the cost of care of a North Dakota resident~~
- 16 ~~remains with the state of North Dakota.~~
- 17 9. This section applies to detoxification services ~~regardless of whether the services are~~
- 18 provided on a voluntary or involuntary basis.
- 19 10. A public or private entity entering an agreement with a bordering state under this
- 20 section shall provide the department a copy of the agreement and any future
- 21 agreements or amendments within thirty days of the date of entering or amending the
- 22 agreement.

23 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.