

HOUSE BILL NO. 1219

Introduced by

Representatives Porter, Nathe, Rohr

Senators Anderson, Bekkedahl, Lee

1 A BILL for an Act to amend and reenact sections 23-07-02.3 and 23-07-15 of the North Dakota
2 Century Code, relating to reportable conditions and post-mortem communicable diseases.

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

4 **SECTION 1. AMENDMENT.** Section 23-07-02.3 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **23-07-02.3. Emergency reporting.**

7 1. The state health officer may issue a temporary order for emergency reporting of
8 disease conditions or information if the state health officer finds probable cause to
9 believe there is a threat caused by an imminent or emerging condition affecting the
10 public health, including actual or threatened terrorism.

11 2. The state health officer may designate who must report, what conditions or information
12 must be reported, what information must be contained in the report, the methods and
13 frequency of reporting, and may make any other pertinent requirement.

14 3. The temporary order may be issued and is effective without regard to chapter 28-32
15 for a period of ninety days, unless earlier revoked by the state health officer.
16 Emergency rulemaking must be initiated under chapter 28-32 within ninety days of the
17 order or the order expires. The temporary order and any emergency rulemaking under
18 this section are effective without the necessity of approval from the health council.

19 4. If the governor declares an emergency or a disaster based on an epidemic under
20 chapter 37-17.1, the state health officer shall consider whether to issue a temporary
21 order or the health council shall consider whether to adopt rules or emergency rules to
22 include this infectious disease as a reportable disease or condition or as a post-
23 mortem communicable disease.

1 **SECTION 2. AMENDMENT.** Section 23-07-15 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **23-07-15. Removal of ~~person afflicted~~individual with ~~contagious or infectious-~~
4 ~~disease~~reportable disease or condition - Removal of ~~person~~body of individual who died
5 of such ~~disease~~reportable disease or condition - Prohibited - Declaration of emergency
6 or disaster - Rulemaking authority.**

7 ~~No person, unless~~

- 8 1. Unless the person has a permit from the local board of health or state department of
9 health, a person may not remove or cause to be removed from without this state into
10 this state, ~~or~~ from one building to another within this state, or from or to any railroad
11 car or motor vehicle, ~~any person afflicted~~an individual with a ~~contagious or-~~
12 ~~infectious~~reportable disease or condition, or the body of ~~any person~~an individual who
13 died of ~~any such~~a reportable disease or condition.
- 14 2. If the governor declares an emergency or a disaster based on an epidemic under
15 chapter 37-17.1, the health council shall consider whether to adopt rules or emergency
16 rules directing the state department of health to notify emergency medical services
17 personnel of the presence of a reportable disease or condition and any person taking
18 possession of a dead body of a post-mortem communicable disease. Notwithstanding
19 state laws to the contrary, rules adopted under this section may provide for the
20 disclosure of personally identifiable information.