

**FIRST ENGROSSMENT  
with House Amendments**

**ENGROSSED SENATE BILL NO. 2186**

Introduced by

Senators Watne, Lyson, W. Stenehjem

1 A BILL for an Act to create and enact a new section to chapter 12.1-17 and a new section to  
2 chapter 23-07 of the North Dakota Century Code, relating to contact by bodily fluids or  
3 excrement and the reporting of test results for certain diseases; and to provide a penalty.

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

5 **SECTION 1.** A new section to chapter 12.1-17 of the North Dakota Century Code is  
6 created and enacted as follows:

7 **Contact by bodily fluids or excrement.**

- 8 1. An individual is guilty of an offense if the individual causes blood, emesis,  
9 excrement, mucus, saliva, semen, vaginal fluid, or urine to come in contact with:
  - 10 a. A law enforcement officer acting in the scope of employment;
  - 11 b. An employee of a correctional facility or the department of corrections and  
12 rehabilitation acting in the scope of employment unless the employee does an  
13 act within the scope of employment which requires or causes the contact;
  - 14 c. Any person lawfully present in a correctional facility who is not an inmate;
  - 15 d. Any person lawfully present in the penitentiary or an affiliated facility of the  
16 penitentiary who is not an inmate; or
  - 17 e. Any person who is transporting an individual who is lawfully detained.
- 18 2. Subsection 1 does not apply to a mentally ill person as defined in section  
19 25-03.1-02 who has been detained pursuant to chapter 25-03.1.
- 20 3. The offense is a class C felony if the individual knowingly causes the contact and  
21 is a class A misdemeanor if the individual recklessly causes the contact.

22 **SECTION 2.** A new section to chapter 23-07 of the North Dakota Century Code is  
23 created and enacted as follows:

1           **Report of testing result of imprisoned individuals.** Notwithstanding any other  
2 provision of law, the state department of health or any other agency shall release the results of  
3 any testing for any reportable disease performed on an individual convicted of a crime who is  
4 imprisoned if the request is made by any individual and the individual provides written proof  
5 from the administrator of the facility with control over the individual imprisoned which states that  
6 the individual has had a significant exposure as defined in section 23-07.3-01.