

HOUSE BILL NO. 1147

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to create and enact a new subsection to section 50-32-02 and a new section
2 to chapter 50-32 of the North Dakota Century Code, relating to assisted living facilities; and to
3 amend and reenact subsection 1 of section 23-09-01 and subsections 1 and 5 of section
4 50-32-01 of the North Dakota Century Code, relating to assisted living facilities.

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

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 23-09-01 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 1. "Assisted living facility" means a building or structure containing a series of at least
9 five living units operated as one entity to provide services for five or more
10 individuals who are not related by blood, marriage, or guardianship to the owner or
11 manager of the entity and which is kept, used, maintained, advertised, or held out
12 to the public as a place that provides or coordinates individualized support services
13 to accommodate the individual's needs and abilities to maintain as much
14 independence as possible. An assisted living facility in this chapter includes a
15 facility that is defined as an assisted living facility in any other part of the code. An
16 assisted living facility does not include a facility that is a congregate housing
17 facility, licensed as a basic care facility, or licensed under chapter 23-16 or 25-16
18 or section 50-11-01.4.

19 **SECTION 2. AMENDMENT.** Subsections 1 and 5 of section 50-32-01 of the North
20 Dakota Century Code are amended and reenacted as follows:

21 1. "Assisted living facility" means a building or structure containing a series of at least
22 five living units operated as one entity to provide services for five or more
23 individuals who are not related by blood, marriage, or guardianship to the owner or
24 manager of the entity and which is kept, used, maintained, advertised, or held out

1 to the public as a place that provides or coordinates individualized support services
2 to accommodate the individual's needs and abilities to maintain as much
3 independence as possible. An assisted living facility does not include a facility that
4 is a congregate housing facility, licensed as a basic care facility, or licensed under
5 chapter 23-16 or 25-16 or section 50-11-01.4.

6 5. "Living unit" means a portion of an assisted living facility that contains a sleeping
7 area, an entry door that can be locked, and a private bath with a toilet, bathtub or
8 shower, and sink and which is occupied as the living quarters of an individual who
9 has entered into a lease agreement with the assisted living facility.

10 **SECTION 3.** A new subsection to section 50-32-02 of the North Dakota Century Code
11 is created and enacted as follows:

12 No more than two people may occupy one bedroom of each living unit of an
13 assisted living facility.

14 **SECTION 4.** A new section to chapter 50-32 of the North Dakota Century Code is
15 created and enacted as follows:

16 **Continuation of existing licenses.** An assisted living facility that possessed a valid
17 license issued by the department of human services before the effective date of this Act may
18 not be subsequently denied a license by the department of human services merely due to
19 failure to meet the requirements of sections 23-09-01, 50-32-01, and 50-32-02 provided that the
20 assisted living facility meets all other licensing requirements.