

**Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011**

SENATE BILL NO. 2084
(Human Services Committee)
(At the request of the State Department of Health)

AN ACT to amend and reenact sections 23-07.1-01.1, 23-07.1-05, and 23-07.1-15 of the North Dakota Century Code, relating to orders for the treatment of individuals with tuberculosis; and to repeal sections 23-07.1-01, 23-07.1-06, 23-07.1-07, 23-07.1-08, 23-07.1-09, 23-07.1-10, 23-07.1-11, and 23-07.1-12 of the North Dakota Century Code, relating to orders for the treatment of individuals with tuberculosis.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 23-07.1-01.1 of the North Dakota Century Code is amended and reenacted as follows:

23-07.1-01.1. Definitions.

As used in this chapter:

1. "Appropriate facility" includes a licensed hospital, a public or private outpatient clinic, a long-term care facility, a correctional facility, or ~~a person's~~ an individual's home, and may also include directly observed therapy under the supervision of the department.
2. "Department" means the state department of health, including local public health ~~boards~~ units.
3. "Infectious tuberculosis" means tuberculosis disease in any part of the body, capable of producing infection or disease in others as demonstrated by laboratory evidence of tuberculosis bacteria in a specimen from any source in an individual's body or by radiographic or clinical findings.
4. "Medically approved course of treatment" means ongoing monitoring for a disease, treatment regimen, or therapy prescribed by a licensed physician and approved by the department.
5. "Noninfectious tuberculosis" or "latent TB infection" means the presence of tuberculosis bacteria in the body of an individual as evidenced by testing, such as significant reaction to a tuberculin skin test or a positive interferon gamma release assay, but without any other clinical findings of illness and without the capability of producing infection or disease in others.
6. "Substantial threat to the public health" means an individual with infectious or suspect tuberculosis who has not completed a medically approved course of therapy and does not adhere or threatens to not adhere to a recommended treatment regimen or does not adhere or threatens to not adhere to infection control measures.
7. "Suspect tuberculosis" means an illness marked by symptoms and laboratory tests that may be indicative of tuberculosis, such as a prolonged cough, prolonged fever, hemoptysis, compatible roentgenographic findings, or other appropriate medical imaging findings.
- 4-8. "Tuberculosis" includes ~~those~~ cases infectious tuberculosis, suspect tuberculosis, noninfectious tuberculosis, and any other case in which ~~a person~~ an individual is found to have tuberculosis based upon laboratory testing, clinical evidence, or as diagnosed by a physician, the department, or a local health officer.

SECTION 2. AMENDMENT. Section 23-07.1-05 of the North Dakota Century Code is amended and reenacted as follows:

23-07.1-05. Reports - Orders for the custody of personsindividuals.

1. ~~Upon the receipt of a report to or receipt of information by the state health officer or any physician in the state that any personindividual is reasonably suspected to have or to have been exposed to tuberculosis, a report must be made to the state health officer. Upon the receipt of the report, the state health officer shall investigate the matter and if the state health officer is convinceddetermines that the personindividual may have, or may have been exposed to, tuberculosis, the state health officer shall request the personindividual to voluntarily seek appropriate evaluation and care and a medically approved course of treatment. If the personindividual refuses to accept voluntary evaluation and care and a medically approved course of treatment, and the individual has infectious or suspect tuberculosis, the state health officer may issue a temporary order for care and treatment as determined by the state health officer. If the state health officer's temporary order is ignored, the state health officer may issue an order directing the sheriff or any peace officer of the county where the person alleged to have tuberculosis resides to compel the attendance of the person and may provide for suitable housing and care of the person until a hearing is held pursuant to section 23-07.1-08.~~

~~Prior to issuing a final order, the state health officer or a designee shall hear all relevant testimony for or against the final order. The examination and hearing on the order must be in the presence of the person alleged to have tuberculosis. The alleged tubercular person and any relative may resist the order and the parties may be represented by counsel.order the individual or group of individuals into confinement under sections 23-07.6-02 and 23-07.6-03, and may order further isolation or quarantine as authorized under chapter 23-07.6. An order under this section may designate an appropriate facility for confinement, including the individual's home.~~

2. The state health officer may immediately investigate all reported or suspected cases of tuberculosis in the state and determine the sources of those infections.
3. The state health officer may conduct screening programs of populations that are at increased risk of developing tuberculosis or having latent tuberculosis infection and offer treatment as appropriate. Any such screening program may be implemented by a local health officer with the approval of the state health officer.

SECTION 3. AMENDMENT. Section 23-07.1-15 of the North Dakota Century Code is amended and reenacted as follows:

23-07.1-15. Penalty.

1. ~~A person~~An individual is guilty of a class A misdemeanor if:
 - a. That ~~person~~individual fails to undertake diagnostic examination for tuberculosis upon the request of the state health officer which is based upon the reasonable suspicion that ~~that person~~the individual has or has been exposed to tuberculosis;
 - b. That ~~person~~individual has been diagnosed with infectious or suspect tuberculosis and fails to undertake a medically approved course of treatment for tuberculosis; or
 - c. That ~~person~~individual is the parent of a minor or guardian of a ~~person~~an individual who violates subdivision a or b.
2. Upon conviction, the court may order that ~~person~~individual to obtain a supervised medically approved course of treatment for tuberculosis until the treatment is completed, in addition to other penalties or conditions provided by law.

SECTION 4. REPEAL. Sections 23-07.1-01, 23-07.1-06, 23-07.1-07, 23-07.1-08, 23-07.1-09, 23-07.1-10, 23-07.1-11, and 23-07.1-12 of the North Dakota Century Code are repealed.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2084.

Senate Vote: Yeas 47 Nays 0 Absent 0

House Vote: Yeas 88 Nays 0 Absent 6

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2011.

Approved at _____ M. on _____, 2011.

Governor

Filed in this office this _____ day of _____, 2011,

at _____ o'clock _____ M.

Secretary of State