

HOUSE BILL NO. 1276

Introduced by

Representatives Porter, Rohr, Toman

Senators Berry, Poolman

1 | A BILL for an Act to create and enact ~~a new section to chapter 15.1-19~~section 15.1-19-23 and a
2 | new subdivision to subsection 9 of section 43-12.1-04 of the North Dakota Century Code,
3 | relating to medication administration in primary or secondary ~~public~~ schools and exemptions
4 | from the ~~nurse practices act~~Nurse Practices Act.

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

6 | **SECTION 1.** ~~A new section to chapter 15.1-19~~Section 15.1-19-23 of the North Dakota
7 | Century Code is created and enacted as follows:

8 | ~~**Administration of medication 15.1-19-23. Medication program - Establishment -**~~
9 | ~~**Opt-out - Liability - Immunity from liability.**~~

10 | 1. ~~A teacher or classified staff member who is not employed as a school nurse or~~
11 | ~~physician to administer medication may choose to not administer medication under~~
12 | ~~section 43-12.1-04.~~The board of a school district or the governing body of a nonpublic
13 | school may establish a program for providing medication to students that includes
14 | authorizing individuals to provide medication to a student if the individual has received
15 | education and training in medication administration and has received written consent
16 | of the student's parent or guardian.

17 | 2. A teacher or classified staff member, who is not employed as a licensed health care
18 | provider to provide medication, may choose to not provide medication under the
19 | program established under subsection 1.

20 | ~~2.3.~~ An individual authorized to administer~~provide~~ medication by section 43-12.1-04 under
21 | subsection 1, or a school district, the board of a school district, or the governing body
22 | of a nonpublic school that establishes a program for providing medication to students
23 | is not civilly or criminally liable for any act or omission of that individual when acting in

1 good faith while ~~administering~~ providing medication to a student, except when the
2 conduct amounts to gross negligence.

3 **SECTION 2.** A new subdivision to subsection 9 of section 43-12.1-04 of the North Dakota
4 Century Code is created and enacted as follows:

5 Within a primary or secondary school ~~under a program established under section~~
6 15.1-19-23 if the individual has received education and training in medication
7 administration and has received written consent of the student's parent or
8 guardian.