

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1276

Introduced by

Representatives Porter, Rohr, Toman

Senators Berry, Poolman

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

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

5 **SECTION 1.** Section 15.1-19-23 of the North Dakota Century Code is created and enacted
6 as follows:

7 **15.1-19-23. Medication program - Establishment - Opt-out - Liability - Immunity from**
8 **liability.**

- 9 1. The board of a school district or the governing body of a nonpublic school may
10 establish a program for providing medication to students that includes authorizing
11 individuals to provide medication to a student if the individual has received education
12 and training in medication administration and has received written consent of the
13 student's parent or guardian.
- 14 2. A teacher or classified staff member, who is not employed as a licensed health care
15 provider to provide medication, may choose to not provide medication under the
16 program established under subsection 1.
- 17 3. An individual authorized to provide medication under subsection 1, or a school district,
18 the board of a school district, or the governing body of a nonpublic school that
19 establishes a program for providing medication to students is not civilly or criminally
20 liable for any act or omission of that individual when acting in good faith while
21 providing medication to a student, except when the conduct amounts to gross
22 negligence.

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

- 1 Within a primary or secondary school under a program established under section
- 2 15.1-19-23 if the individual has received education and training in medication
- 3 administration and has received written consent of the student's parent or
- 4 guardian.