

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~~sections 15.1-19-23 and 23-44-03 and a new  
2 subdivision to subsection 9 of section 43-12.1-04 of the North Dakota Century Code, relating to  
3 medication administration in primary or secondary schools ~~and~~, exemptions from the Nurse  
4 Practices Act, and the exemption of medication administration in primary or secondary schools  
5 from the nurse aide registry.

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

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

9 **15.1-19-23. Medication program - Establishment - Opt-out - Liability - Immunity from**  
10 **liability.**

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

1       **SECTION 2.** Section 23-44-03 of the North Dakota Century Code is created and enacted as  
2 follows:

3       **23-44-03. Exemption.**

4       Medication administration by an individual within a primary or secondary school under a  
5 program established under section 15.1-19-23 is exempt from the requirements of this chapter,  
6 if the individual has received education and training in medication administration and has  
7 received written consent of the student's parents or guardian.

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

10               Within a primary or secondary school under a program established under section  
11               15.1-19-23 if the individual has received education and training in medication  
12               administration and has received written consent of the student's parent or  
13               guardian.