

**Sixty-seventh Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1219  
(Representatives Porter, Nathe, Rohr)  
(Senators Anderson, Bekkedahl, Lee)

AN ACT to amend and reenact sections 23-07-02.3 and 23-07-15 of the North Dakota Century Code, relating to reportable conditions and post-mortem communicable diseases.

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

**SECTION 1. AMENDMENT.** Section 23-07-02.3 of the North Dakota Century Code is amended and reenacted as follows:

**23-07-02.3. Emergency reporting.**

1. The state health officer may issue a temporary order for emergency reporting of disease conditions or information if the state health officer finds probable cause to believe there is a threat caused by an imminent or emerging condition affecting the public health, including actual or threatened terrorism.
2. The state health officer may designate who must report, what conditions or information must be reported, what information must be contained in the report, the methods and frequency of reporting, and may make any other pertinent requirement.
3. The temporary order may be issued and is effective without regard to chapter 28-32 for a period of ninety days, unless earlier revoked by the state health officer. Emergency rulemaking must be initiated under chapter 28-32 within ninety days of the order or the order expires. The temporary order and any emergency rulemaking under this section are effective without the necessity of approval from the health council.
4. If the governor declares an emergency or a disaster based on an epidemic under chapter 37-17.1, the state health officer shall consider whether to issue a temporary order or the health council shall consider whether to adopt rules or emergency rules to include this infectious disease as a reportable disease or condition or as a post-mortem communicable disease.

**SECTION 2. AMENDMENT.** Section 23-07-15 of the North Dakota Century Code is amended and reenacted as follows:

**23-07-15. ~~Removal of person afflicted individual with contagious or infectious disease reportable disease or condition - Removal of person body of individual who died of such disease reportable disease or condition - Prohibited - Declaration of emergency or disaster - Rulemaking authority.~~**

~~No person, unless~~

1. Unless the person has a permit from the local board of health or state department of health, a person may not remove or cause to be removed from without this state into this state, or from one building to another within this state, or from or to any railroad car or motor vehicle, any person afflicted an individual with a contagious or infectious reportable disease or condition, or the body of any person an individual who died of any such a reportable disease or condition.
2. If the governor declares an emergency or a disaster based on an epidemic under chapter 37-17.1, the health council shall consider whether to adopt rules or emergency rules directing the state department of health to notify emergency medical services personnel of the

presence of a reportable disease or condition and any person taking possession of a dead body of a post-mortem communicable disease. Notwithstanding state laws to the contrary, rules adopted under this section may provide for the disclosure of personally identifiable information.

Kim A. Hoopes  
Speaker of the House

[Signature]  
President of the Senate

Bull J. Reid  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1219.

House Vote:      Yeas 86                  Nays 6                  Absent 2

Senate Vote:      Yeas 47                  Nays 0                  Absent 0

Bull J. Reid  
Chief Clerk of the House

Received by the Governor at 9:01 AM. on March 26, 2021.

Approved at 5:48 PM. on March 29, 2021.

[Signature]  
Governor

Filed in this office this 30th day of March, 2021,  
at 12:23 o'clock P. M.

[Signature]  
Secretary of State