

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1050
(Human Services Committee)
(At the request of the Department of Health and Human Services)

AN ACT to amend and reenact sections 23-16-01, 50-31-02, 50-31-04, 50-31-05, and 50-31-08 of the North Dakota Century Code, relating to licensure, inspection, suspension, and revocation of a substance abuse treatment program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 23-16-01 of the North Dakota Century Code is amended and reenacted as follows:

23-16-01. Licensure of medical hospitals and state hospitals.

After July 1, 1947, no person, partnership, association, corporation, limited liability company, county or municipal corporation, or agency thereof, which maintains and operates organized facilities for the diagnosis, treatment, or care of two or more nonrelated persons suffering from illness, injury, or deformity or where obstetrical or other care is rendered over a period exceeding twenty-four hours, may be established, conducted, or maintained in the state of North Dakota without obtaining annually a license therefor in the manner hereinafter provided in sections 23-16-02 and 23-16-03. Chiropractic hospitals, sanatoriums, American society of addiction medicine level 3.7 substance use treatment programs licensed by the department of health and human services that are independent from a medical hospital, and hospitals such as those for unmarried mothers maintained and operated by the department of health and human services are not required to obtain a license under this chapter.

In the case of emergency or transfer beds attached to and forming a part of a licensed medical doctor's office, the department of health and human services has the right of inspection, but no license may be required under the provisions of this chapter when the number of such beds does not exceed four.

SECTION 2. AMENDMENT. Section 50-31-02 of the North Dakota Century Code is amended and reenacted as follows:

50-31-02. License required.

A person, partnership, association, corporation, or limited liability company without a license may not establish, conduct, or maintain in this state a substance ~~abuse~~use disorder treatment program for the care of persons addicted to alcohol or other drugs. The department, in accordance with the laws of this state governing injunctions and other process, may maintain an action in the name of the state against a person, partnership, association, corporation, or limited liability company for establishing, conducting, managing, or operating a substance ~~abuse~~use disorder treatment program without a license.

SECTION 3. AMENDMENT. Section 50-31-04 of the North Dakota Century Code is amended and reenacted as follows:

50-31-04. Inspection and evaluation of licensed premises.

Every licensed substance ~~abuse~~use disorder treatment program shall obtain and provide to the department a local or state authority certification as to the safety of the premises. The department shall evaluate every licensed substance ~~abuse~~use disorder treatment program according to the rules adopted by the department.

SECTION 4. AMENDMENT. Section 50-31-05 of the North Dakota Century Code is amended and reenacted as follows:

50-31-05. Issuance, suspension, and revocation of license.

1. The department may issue licenses to operate substance ~~abuse~~use disorder treatment programs, for a period of three years, which are found to comply with the provisions of this chapter and rules adopted by the department.
2. The department may suspend or revoke a license if a program violates any of the rules adopted by the department.
3. Before a license may be suspended or revoked, written notice by registered mail, personal delivery, or electronic mail must be given to the licenseholder. The licenseholder must be furnished with a copy of the notice by registered mail or personal delivery. If a license is revoked, a new application for a license may be considered by the department when the conditions upon which the revocation were based have been corrected and evidence of this fact has been satisfactorily furnished. A new license may then be granted after proper inspection has been made and the applicant has complied with all rules adopted by the department. Within thirty days after service of the written charges, the applicant or licensee may submit to the department a written request for an administrative hearing as provided in chapter 28-32.

SECTION 5. AMENDMENT. Section 50-31-08 of the North Dakota Century Code is amended and reenacted as follows:

50-31-08. Opioid treatment programs - Licensure required - Rules.

1. To operate in this state, an opioid treatment program must be granted a license from the department, certification from the United States department of health and human services substance abuse and mental health services administration, and registration from the United States department of justice drug enforcement administration.
2. The department may license a substance ~~abuse~~use disorder treatment program to operate an opioid treatment program in the state. A separate license is required for each location at which an opioid treatment program is operated under this section.
3. The department shall adopt rules relating to licensing and monitoring opioid treatment programs, including rules for:
 - a. Standards for approval and maintenance of license;
 - b. Assessment of need for an opioid treatment program in the proposed location;
 - c. Patient eligibility for admission to an opioid treatment program;
 - d. Treatment standards, including counseling and drug testing requirements; and
 - e. Measures to prevent the diversion to illegal use of any drug used by a program to treat an opioid addiction.
4. Each state-licensed opioid treatment program shall submit by electronic means information regarding each prescription dispensed for a controlled substance to the state's prescription drug monitoring program, unless specifically exempted by federal law.

Dennis Thayer
Speaker of the House

Tammy Miller
President of the Senate

Bull J. Reel
Chief Clerk of the House

Mark Morgan
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1050.

House Vote: Yeas 91 Nays 0 Absent 3

Senate Vote: Yeas 47 Nays 0 Absent 0

Bull J. Reel
Chief Clerk of the House

Received by the Governor at 10:55 AM. on March 14, 2023.

Approved at 4:13 PM. on March 14, 2023.

Doug Burgum
Governor

Filed in this office this 15th day of March, 2023,
at 2:58 o'clock P. M.

Michael Howe
Secretary of State