

**Sixty-third Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 8, 2013**

HOUSE BILL NO. 1276  
(Representatives Porter, Rohr, Toman)  
(Senators Berry, Poolman)

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

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

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

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

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

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

**23-44-03. Exemption.**

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

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

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

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1276.

House Vote:      Yeas 90              Nays 1              Absent 3

Senate Vote:      Yeas 47              Nays 0              Absent 0

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2013.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2013.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2013,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State