

Sixty-fifth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2216

Introduced by

Senators Dever, Burckhard, Nelson

Representatives Karls, J. Nelson, Westlind

1 A BILL for an Act to create and enact a new subsection to section 12.1-17-11 of the North  
2 Dakota Century Code, relating to the definition of a health care facility; to amend and reenact  
3 subsection 1 of section 12.1-17-11 of the North Dakota Century Code, relating to contact by  
4 bodily fluids or excrement; and to provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 12.1-17-11 of the North Dakota  
7 Century Code is amended and reenacted as follows:

- 8 1. An individual is guilty of an offense if the individual causes blood, emesis, excrement,  
9 mucus, saliva, semen, vaginal fluid, or urine to come in contact with:
- 10 a. A law enforcement officer acting in the scope of employment;
- 11 b. An employee of a correctional facility or the department of corrections and  
12 rehabilitation acting in the scope of employment unless the employee does an act  
13 within the scope of employment which requires or causes the contact;
- 14 c. ~~Any person~~An individual lawfully present in a correctional facility who is not an  
15 inmate;
- 16 d. ~~Any person~~An individual lawfully present in the penitentiary or an affiliated facility  
17 of the penitentiary who is not an inmate; ~~or~~
- 18 e. ~~Any person who is~~An individual transporting an individual who is lawfully  
19 detained; ~~or~~
- 20 f. A health care facility employee or contractor acting within the scope of  
21 employment unless the employee or contractor is performing an act within the  
22 scope of employment which requires or causes the contact. ~~A "health care~~  
23 ~~facility" means an office or institution providing health care services or treatment~~  
24 ~~of diseases, whether physical, mental, or emotional, or other medical,~~

~~physiological, or psychological conditions, including a hospital; clinic; ambulatory surgery center; outpatient care facility; weight control clinic; nursing home; basic care or assisted living facility; laboratory; or office of any medical professional licensed or registered under title 43 or any individual who is included within a specialty and subspecialty of those fields. The term includes a waiting room, hallway, private room, semiprivate room, ward, and any mobile or temporary facility; or~~

g. An emergency responder, including a licensed medical services provider, law enforcement officer, firefighter, volunteer firefighter, officer of a nonprofit volunteer fire department, emergency medical technician, emergency nurse, ambulance operator, or a provider of civil defense services, who while acting in the scope of employment is present at a health care facility.

**SECTION 2.** A new subsection to section 12.1-17-11 of the North Dakota Century Code is created and enacted as follows:

As used in this section, "health care facility" means an office or institution providing health care services or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including a hospital; clinic; ambulatory surgery center; outpatient care facility; weight control clinic; nursing home; basic care or assisted living facility; laboratory; or office of any medical professional licensed or registered under title 43 or any individual who is included within a specialty and subspecialty of those fields. The term includes a waiting room, hallway, private room, semiprivate room, ward, and any mobile or temporary facility.