

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2226

Introduced by

Senators Dever, Clemens, Poolman

Representatives Porter, Rohr, Weisz

1 A BILL for an Act to create and enact chapter 23-17.7 of the North Dakota Century Code,
2 relating to regulation of residential end-of-life facilities; to amend and reenact subsection 1 of
3 section 23-09-01, subsection 1 of section 50-32-01, and subdivision a of subsection 24 of
4 section 57-39.2-04 of the North Dakota Century Code, relating to the definition of assisted living
5 facility and to a sales tax exemption for sales made to an eligible facility; and to provide an
6 effective date.

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

8 **SECTION 1. AMENDMENT.** Subsection 1 of section 23-09-01 of the North Dakota Century
9 Code is amended and reenacted as follows:

10 1. "Assisted living facility" means a building or structure containing a series of at least
11 five living units operated as one entity to provide services for five or more individuals
12 who are not related by blood, marriage, or guardianship to the owner or manager of
13 the entity and which is kept, used, maintained, advertised, or held out to the public as
14 a place that provides or coordinates individualized support services to accommodate
15 the individual's needs and abilities to maintain as much independence as possible. An
16 assisted living facility in this chapter includes a facility that is defined as an assisted
17 living facility in any other part of the code. An assisted living facility does not include a
18 facility that is a congregate housing facility, licensed as a basic care facility, or licensed
19 under chapter 23-16 or chapter 25-16, chapter 23-17.7, or section 50-11-01.4.

20 **SECTION 2.** Chapter 23-17.7 of the North Dakota Century Code is created and enacted as
21 follows:

22 **23-17.7-01. Definitions.**

23 As used in this section, unless the context and subject matter otherwise require:

24 1. "Department" means the state department of health.

- 1 2. "Hospice patient" has the same meaning as provided under section 23-17.4-01.
- 2 3. "Hospice program" has the same meaning as provided under section 23-17.4-01.
- 3 4. "Hospice services" has the same meaning as provided under section 23-17.4-01.
- 4 5. "Residential end-of-life facility" means a freestanding facility that provides twenty-four
5 hour residential and support services in a home-like setting for no more than twelve
6 hospice patients receiving hospice services from a third-party hospice program.

7 **23-17.7-02. License required.**

8 A person may not conduct, maintain, or operate a residential end-of-life facility in this state
9 without a license issued by the department under this chapter. A licensed residential end-of-life
10 facility is not a hospital, skilled nursing home, intermediate care facility, nursing facility, assisted
11 living facility, home health agency, or hospice program.

12 **23-17.7-03. License issuance and renewal - Evaluation and inspection - Rules.**

- 13 1. Upon receipt of an initial or renewal license application on forms established by the
14 department, the department or the department's authorized representative shall
15 evaluate and inspect the residential end-of-life facility. The department shall issue or
16 renew a license for an applicant that submits a complete application, submits the
17 appropriate fee, and meets the minimum requirements of this chapter.
- 18 2. In consultation with stakeholders, the state health council shall adopt rules:
 - 19 a. For the application, issuance, and renewal of a license under this chapter;
 - 20 b. Establishing minimum standards for licensure of a residential end-of-life facility;
21 and
 - 22 c. Establishing the fee for issuance of a license and renewal of a license of a
23 residential end-of-life facility.

24 **23-17.7-04. Denial, suspension, or revocation of license.**

25 The department may deny, suspend, or revoke the license of a residential end-of-life facility
26 for noncompliance with this chapter or rules adopted under this chapter in accordance with the
27 administrative hearings provisions of chapter 28-32.

28 **SECTION 3. AMENDMENT.** Subsection 1 of section 50-32-01 of the North Dakota Century
29 Code is amended and reenacted as follows:

- 30 1. "Assisted living facility" means a building or structure containing a series of at least
31 five living units operated as one entity to provide services for five or more individuals

1 who are not related by blood, marriage, or guardianship to the owner or manager of
2 the entity and which is kept, used, maintained, advertised, or held out to the public as
3 a place that provides or coordinates individualized support services to accommodate
4 the individual's needs and abilities to maintain as much independence as possible. An
5 assisted living facility does not include a facility that is a congregate housing facility,
6 licensed as a basic care facility, or licensed under chapter 23-16 ~~or, chapter 25-16,~~
7 chapter 23-17.7, or section 50-11-01.4.

8 **SECTION 4. AMENDMENT.** Subdivision a of subsection 24 of section 57-39.2-04 of the
9 North Dakota Century Code is amended and reenacted as follows:

10 a. "Eligible facility" means any hospital, skilled nursing facility, intermediate care
11 facility, residential end-of-life facility, or basic care facility licensed by the state
12 department of health, or any assisted living facility licensed by the department of
13 human services; and

14 **SECTION 5. EFFECTIVE DATE.** Section 4 of this Act is effective for taxable events
15 occurring after June 30, 2021.