

**CHAPTER 33-05-02**  
**NOTIFICATION OF BLOOD AND BODY FLUID PRECAUTION**

Section

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**33-05-02-01. Definitions.**

For purposes of this chapter, the term "post-mortem communicable disease" shall include the following:

1. Viral hepatitis (any etiology).
2. Tuberculosis.
3. Acquired immune deficiency syndrome (AIDS).
4. Plague.
5. Creutzfeldt-Jakob.
6. Rabies.
7. Meningococcal meningitis.

**History:** Effective May 1, 1987.

**General Authority:** NDCC 23-01-03, 28-32-02

**Law Implemented:** NDCC 23-01-03

**33-05-02-02. Notification required of death from post-mortem communicable diseases.**

When any person dies who has been diagnosed or suspected as having a post-mortem communicable disease, a written notice stating "BLOOD AND BODY FLUIDS PRECAUTIONS SHOULD BE OBSERVED" must be securely attached to the body in a prominent location thereon so it can be easily seen when the body is removed for disposition as follows:

1. If the person dies in a hospital or other health care facility, the notice must be prepared and placed by the attending physician or other health care professional or representative on behalf of the hospital or health care facility.
2. If the person dies outside of a hospital or health care facility, the notice must be prepared and placed by the attending physician, or in the absence of an attending physician, by the examining coroner.

Any person who removes a dead human body for disposition which has a notice attached pursuant to this chapter shall ensure that such notice remains attached to the dead body until the body is presented to any funeral practitioner, funeral director, or other person taking possession of the dead body.

**History:** Effective May 1, 1987; amended effective August 1, 2003.

**General Authority:** NDCC 23-01-03, 28-32-02

**Law Implemented:** NDCC 23-01-03

**33-05-02-03. Disclosure limited.**

Any notifications required to be made pursuant to section 33-05-02-02 are privileged and confidential and may be disclosed only if one of the following applies:

1. Disclosure is required by any state or federal law.
2. Disclosure is made by a physician pursuant to a state or federal law permitting disclosure.
3. Disclosure is for research purposes and does not reveal either the identity of the deceased or information by which the identity of the deceased could be determined.
4. Disclosure involves information regarding a deceased minor and the disclosure is made to the parent or guardian of that minor.
5. Disclosure is made to the person who removes the dead human body or is made in the ordinary course of business to any employee or agent of any person or entity authorized or required under this chapter to receive or report that information.

**History:** Effective May 1, 1987.

**General Authority:** NDCC 23-01-03, 28-32-02

**Law Implemented:** NDCC 23-01-03

**33-05-02-04. Violations reported to appropriate licensing board.**

Any person practicing an occupation, trade, or profession for which the license, permit, certificate, or registration is required from any state agency, board, commission, or department who willfully violates any provision of this chapter must be reported to such agency, board, commission, or department for such action as it may determine appropriate.

**History:** Effective May 1, 1987.

**General Authority:** NDCC 23-01-03, 28-32-02

**Law Implemented:** NDCC 23-01-03