

Introduced by

Senators K. Roers, Kreun, Lee

Representatives Dobervich, Klemin, Westlind

1 A BILL for an Act to amend and reenact subsection 5 of section 25-03.1-34.2 of the North
2 Dakota Century Code, relating to interstate contracts for the treatment of mental illness or
3 substance use disorders.

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

5 **SECTION 1. AMENDMENT.** Subsection 5 of section 25-03.1-34.2 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 5. The department may enter negotiations with appropriate personnel of a bordering
8 state to develop an agreement that conforms to the requirements of this section. An
9 agreement with a bordering state ~~must~~may enable the placement in North Dakota of
10 individuals who require detoxification services, are on emergency holds, or who have
11 been involuntarily committed as mentally ill or having a substance use disorder in a
12 bordering state and enable the temporary placement in a bordering state of patients
13 who require detoxification services or who are on emergency holds in North Dakota
14 under chapter 25-03.1. An agreement with a bordering state must also provide that the
15 North Dakota courts retain jurisdiction over North Dakota residents, and that the
16 bordering state affords to North Dakota residents the rights afforded to ~~them~~the
17 residents under North Dakota law. Individuals committed by a court of a bordering
18 state and placed in North Dakota facilities continue to be in the legal custody of the
19 bordering state. The bordering state's laws governing length of commitment,
20 re-examinations, and extension of commitment must continue to apply to these
21 residents. In all other respects, residents of a bordering state placed in North Dakota
22 facilities are subject to North Dakota laws. An agreement with a bordering state must
23 specify that responsibility for payment for the cost of care of a resident of a bordering
24 state remains with the bordering state of which that individual is a resident and the

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1 cost of care of a North Dakota resident remains with the state of North Dakota. This
2 section applies to detoxification services regardless of whether the services are
3 provided on a voluntary or involuntary basis.