

**BEFORE THE  
ADMINISTRATIVE RULES COMMITTEE  
OF THE  
NORTH DAKOTA LEGISLATIVE COUNCIL**

<b>N.D. Admin. Code Chapter</b>	)	<b><u>REPORT OF THE</u></b>
<b>75-03-19.2 Approved Locations</b>	)	<b><u>DEPT. OF HUMAN SERVICES</u></b>
<b>For Abandoned Infants</b>	)	
	)	<b>September 15, 2020</b>
<b>(Pages 241-243)</b>	)	
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For its report, the North Dakota Department of Human Services (Department) states:

1. The proposed creation of N.D. Admin. Code Chapter 75-03-19.2, relating to Approved Locations for Abandoned Infants, is necessary to reflect changes to North Dakota Century Code section 50-25.1-15 made by 2019 House Bill No. 1285.
2. These rules are not related to changes in a federal statute or regulation.
3. The Department uses direct and electronic mail as the preferred ways of notifying interested persons of proposed rulemaking. The Department uses a basic mailing list for each rulemaking project that includes the human service zone directors, the regional human service centers, Legal Services offices in North Dakota, all persons who have asked to be on the basic list, and internal circulation within the Department. Additionally, the Department constructs relevant mailing lists for specific rulemaking. The Department also places public announcements in all county newspapers advising generally of the content of the rulemaking, of over 50 locations throughout the state

where the proposed rulemaking documents may be reviewed, and stating the location, date, and time of the public hearing.

The Department conducts public hearings on all substantive rule-making. Oral comments are recorded. Oral comments, as well as any written comments that have been received, are summarized and presented to the Department's executive director, together with any response to the comments that may seem appropriate and a re-drafted rule incorporating any changes occasioned by the comments and the Attorney General's review.

4. A public hearing on the proposed rules was held in Bismarck on June 15, 2020. The record was held open until 5:00 PM on June 25, 2020, to allow written comments to be submitted. No one attending the public hearing provided comments. No written comments were received within the comment period. A summary of comments is attached to this report.
5. The cost of giving public notice, holding a hearing, and the cost (not including staff time) of developing and adopting the rules was \$2,322.76.
6. The proposed rules create chapter 75-03-19.2. The following sections were created:

**Section 75-03-19.2-01** is created to clarify that definitions used in this chapter are the same as the definitions contained in North Dakota Century Code section 50-25.1-02. The section also provides definitions for "criminal justice agencies", "emergency medical service operations", "human service zones", "local public health units", "long-term care nursing facilities", and "regional human service centers".

**Section 75-03-19.2-02** is created to provide that the

department's authorized agent shall act as designee of the department for the purpose of receiving reports of infants abandoned, and to require the department's designated agent to conduct an assessment of whether the abandoned infant is unharmed to determine whether services are required for the protection and treatment of the infant.

**Section 75-03-19.2-03** is created to identify the approved physical locations as well as the offsite location of on-duty staff members where an infant may be relinquished.

**Section 75-03-19.2-04** is created to provide that when an infant is born and abandoned at birth while remaining at the same hospital, the infant will be considered an abandoned infant under this chapter when the parent of a child in that parent's custody fails to arrange for the child's discharge within ten days after the child no longer requires hospital care without regard to a parent's or agent's verbal statement of intention to abandon the infant.

7. No written requests for regulatory analysis have been filed by the Governor or by any agency. The rule amendments are not expected to have an impact on the regulated community in excess of \$50,000. A regulatory analysis was prepared and is attached to this report.
8. A small entity regulatory analysis and small entity economic impact statement were prepared and are attached to this report.
9. The anticipated fiscal impact resulting from the implementation of the proposed amendments is nominal.
10. A constitutional takings assessment was prepared and is attached to this report.
11. These rules were not adopted as emergency (interim final) rules.

Prepared by:

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September 11, 2020