NORTH Dakota | Governor Doug Burgum

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EXECUTIVE ORDER 2020-09

WHEREAS, on March 13, 2020, President Donald Trump issued a declaration of national emergency due to the growing COVID-19 crisis in the United States; and,

WHEREAS, a state of emergency was declared by Governor Doug Burgum on March 13, 2020, in response to the public health crisis resulting from COVID-19; Executive Order 2020-03 activated the State Emergency Operations Plan (SEOP), implementing appropriate response and recovery actions and future mitigation measures; and,

WHEREAS, with the guidance and assistance of the State Health Officer and the Director of Emergency Operations, the State is actively responding to the crisis and working to gather, coordinate, and deploy goods, services, professionals and volunteers of all types and kinds; and,

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in North Dakota and continue to spread; and,

WHEREAS, North Dakotans are following federal and state health guidance through social distancing measures, staying at home when ill and working from home; and,

WHEREAS, during the pendency of this COVID-19 emergency, the dispensing and delivery of life sustaining medications and continued operation of our North Dakota licensed pharmacies, particularly those operating in rural North Dakota, is critical to public health and to mitigate the spread of COVID-19.

NOW THEREFORE, Doug Burgum, Governor of North Dakota, by virtue of the authority under Article V, Section 1 of the North Dakota Constitution and North Dakota Century Code 37-17.1, hereby orders the following additional community mitigation measures:

1. To support citizen efforts to exercise social distancing and to reduce the burden on health care practitioners, the authority to administer emergency prescription refills under North Dakota Century Code § 43-15-01 (12) is hereby extended to allow licensed pharmacists to provide emergency refills for maintenance medications in quantities of up to a thirty day supply; this authority does not extend to refills of controlled substances listed in schedule II.

2. Health care payers, including pharmacy benefit managers shall eliminate proof of delivery requirement for deliveries directly to homes and by mail, reducing person-to-person contact and maximizing social distancing for pharmacies staff and the receiving citizen.

3. The authority to administer tests in North Dakota Century Code § 43-15-25.3 is hereby extended to allow licensed pharmacists to administer COVID-19 testing, under guidance from the North Dakota Department of Health.

This order is issued upon the following basis and for the following reasons:

1. The Governor is vested with the executive authority pursuant to Article V, Section 1, of the North Dakota Constitution.
2. The Governor is vested with statutory authority to issue executive orders, to minimize or avert the effects of a disaster or emergency pursuant to N.D.C.C. Chapter 37-17.1.
3. A coordinated and effective effort of appropriate government departments is required to minimize the impact of emergencies and disasters in this state.

This order is in effect immediately and shall remain in effect until it is rescinded.

Executed at Bismarck, North Dakota, this 21th day of March, 2020.

Doug Burgum
Governor

ATTEST:

Secretary of State