

## **CHAPTER 23-23 CANCER CURES OR TREATMENTS**

### **23-23-01. Definition.**

For the purposes of this chapter, "cancer" means all malignant neoplasms regardless of the tissue of origin, including malignant lymphoma and leukemia.

### **23-23-02. Prohibition against prescription, treatment, sale, or distribution of cancer cure.**

No person other than a licensed physician or licensed dentist may in any manner hold out to any other person as being able to prescribe treatment for, or cure the disease of, cancer, nor in any manner undertake to treat, or prescribe for the treatment of, the disease of cancer. No person may sell or offer to sell, or give away or offer to give away, except upon the prescription of a licensed physician or licensed dentist, any drug, medicine, compound, nostrum, or device which is represented by the manufacturer or seller thereof to have curative powers when used in the treatment of the disease of cancer.

### **23-23-03. Enforcement by health officer - Seizure - Inspection - Injunction. (Effective through August 31, 2022)**

It is the duty of the state health officer to enforce the provisions of this chapter, and for that purpose the investigators, inspectors, representatives, and agents of the state department of health shall have the full power and authority of peace officers in this state, and shall have the power and authority to administer oaths, to enter upon premises at all times for the purpose of making inspections, to seize evidence, to interrogate all persons, and to require the production of books, papers, documents, or other evidence. The state health officer may institute, in its own name, proceedings to enjoin and restrain violations of this chapter, regardless of whether the defendant has been convicted of violation of the penal provisions thereof, and may not be required to pay any costs or filing fees or furnish any bond in connection therewith.

### **Enforcement by health officer - Seizure - Inspection - Injunction. (Effective after August 31, 2022)**

It is the duty of the state health officer to enforce the provisions of this chapter, and for that purpose the investigators, inspectors, representatives, and agents of the department of health and human services shall have the full power and authority of peace officers in this state, and shall have the power and authority to administer oaths, to enter upon premises at all times for the purpose of making inspections, to seize evidence, to interrogate all persons, and to require the production of books, papers, documents, or other evidence. The state health officer may institute, in its own name, proceedings to enjoin and restrain violations of this chapter, regardless of whether the defendant has been convicted of violation of the penal provisions thereof, and may not be required to pay any costs or filing fees or furnish any bond in connection therewith.

### **23-23-04. Penalty.**

Any person who violates any provision of this chapter is guilty of a class A misdemeanor.