

SENATE BILL NO. 2320

Introduced by

Senators Kilzer, DeMers

1 A BILL for an Act to amend and reenact subsection 5 of section 23-06.5-03 and subsection 4 of
2 section 23-12-13 of the North Dakota Century Code, relating to withdrawing or withholding
3 nutrition and hydration from incapacitated patients.

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

5 **SECTION 1. AMENDMENT.** Subsection 5 of section 23-06.5-03 of the 1997
6 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7 5. Nothing in this chapter permits an agent to consent to admission to a mental health
8 facility or state institution for a period of more than forty-five days without a mental
9 health proceeding or other court order, or to psychosurgery, abortion, or
10 sterilization, unless the procedure is first approved by court order, or to the
11 withdrawal or withholding of nutrition or hydration, or both, unless the patient had
12 made a valid written statement concerning nutrition or hydration or the patient has
13 a terminal condition as defined in subsection 7 of section 23-06.4-02 and the
14 attending physician has determined that the administration of nutrition or hydration
15 is inappropriate because the nutrition or hydration cannot be physically assimilated
16 by the patient or would be physically harmful or would cause unreasonable
17 physical pain to the patient.

18 **SECTION 2. AMENDMENT.** Subsection 4 of section 23-12-13 of the 1997 Supplement
19 to the North Dakota Century Code is amended and reenacted as follows:

20 4. No person authorized to provide informed consent pursuant to this section may
21 provide consent for sterilization, abortion, or psychosurgery or for admission to a
22 state mental health facility for a period of more than forty-five days without a mental
23 health proceeding or other court order. A person authorized to provide informed
24 consent pursuant to this section may not provide consent to withdraw or withhold

1 nutrition or hydration, or both, unless the patient had made a valid written
2 statement concerning nutrition or hydration or the patient has a terminal condition
3 as defined in subsection 7 of section 23-06.4-02 and the attending physician has
4 determined that the administration of nutrition or hydration is inappropriate because
5 the nutrition or hydration cannot be physically assimilated by the patient or would
6 be physically harmful or would cause unreasonable physical pain to the patient.