

SENATE BILL NO. 2308

Introduced by

Senators Krebsbach, Dever

Representatives Grande, Hawken, Price

1 A BILL for an Act to create and enact a new section to chapter 14-10 of the North Dakota
2 Century Code, relating to consent for certain health care services provided to minors.

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

4 **SECTION 1.** A new section to chapter 14-10 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Minor's consent for certain health care services.**

- 7 1. A minor may provide consent and contract for and receive medical, mental, and
8 other health care services to determine the presence of or to treat pregnancy and
9 conditions associated with pregnancy, and the consent of no other person is
10 required. This section does not authorize a minor to consent to abortion or
11 otherwise supersede the requirements of chapter 14-02.1.
- 12 2. Notwithstanding subsection 1, a physician or other health care professional or a
13 health care facility may not be compelled against their best judgment to treat a
14 minor based on the minor's own consent.
- 15 3. A minor who gives consent and contracts for health care services pursuant to
16 subsection 1 may not disaffirm the contract and, if the contract so provides, shall
17 assume financial responsibility for the cost of the services.
- 18 4. A physician or other health care professional who pursuant to subsection 1
19 provides health care services to a minor may inform the parent or guardian of the
20 minor of any health care services given or needed if the physician or other health
21 care professional discusses with the minor the reasons for informing the parent or
22 guardian before the disclosure, and in the judgment of the physician or other health
23 care professional:

- 1 a. Failure to inform the parent or guardian would seriously jeopardize the health
- 2 of the minor or the unborn child;
- 3 b. Severe complications are present or anticipated;
- 4 c. Major surgery or prolonged hospitalization is needed; or
- 5 d. Informing the parent or guardian would benefit the minor's physical and
- 6 mental health.
- 7 5. A physician or other health care professional or health care facility may not incur
- 8 any civil or criminal liability by reason of providing health care services on the
- 9 consent of a minor or informing a parent or guardian under this section, but this
- 10 immunity does not apply to any negligent acts or omissions.