

SENATE BILL NO. 2195

Introduced by

Senators Kilzer, Hogue, J. Lee, Nething

Representatives Klemin, Kretschmar

1 A BILL for an Act to amend and reenact section 23-06.6-20 of the North Dakota Century Code,
2 relating to updates to the revised Uniform Anatomical Gift Act.

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

4 **SECTION 1. AMENDMENT.** Section 23-06.6-20 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **23-06.6-20. Effect of anatomical gift on advance health care directive.**

7 1. In this section:

8 a. "Advance health care directive" means a health care directive under chapter
9 23-06.5, a power of attorney for health care, or a record signed or authorized
10 by a prospective donor containing the prospective donor's direction
11 concerning a health care decision for the prospective donor.

12 b. "Declaration" means a record signed by a prospective donor specifying the
13 circumstances under which a life support system may be withheld or
14 withdrawn from the prospective donor.

15 c. "Health care decision" means any decision ~~made~~ regarding the health care of
16 the prospective donor.

17 2. If a prospective donor has a declaration or advance health care directive; and the
18 terms of the declaration or directive and the express or implied terms of a potential
19 anatomical gift are in conflict with regard to the administration of measures
20 necessary to ensure the medical suitability of an organ a part for transplantation or
21 therapy may not be withheld or withdrawn from the prospective donor, unless the
22 declaration or advance health care directive expressly provides to the contrary, the
23 prospective donor's attending physician and prospective donor shall confer to
24 resolve the conflict. If the prospective donor is incapable of resolving the conflict,

1 an agent acting under the prospective donor's declaration or directive or, if none or
2 the agent is not reasonably available, another person authorized by law other than
3 this chapter to make health care decisions on behalf of the prospective donor shall
4 act for the donor to resolve the conflict. The conflict must be resolved as
5 expeditiously as possible. Information relevant to the resolution of the conflict may
6 be obtained from the appropriate procurement organization and any other person
7 authorized to make an anatomical gift for the prospective donor under section
8 23-06.6-09. Before resolution of the conflict, measures necessary to ensure the
9 medical suitability of the part may not be withheld or withdrawn from the
10 prospective donor if withholding or withdrawing the measures is not contraindicated
11 by appropriate end-of-life care.