

SENATE BILL NO. 2195
with House Amendments

Sixty-first
Legislative Assembly
of North Dakota

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 - 14 withdrawn from the prospective donor.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- 21 therapy may not be withheld or withdrawn from the prospective donor, unless the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 the attending physician, as expeditiously as possible, shall confer with an agent
2 acting under the prospective donor's declaration or directive or, if none or the
3 agent is not reasonably available, another person authorized by law other than this
4 chapter to make health care decisions on behalf of the prospective donor. In
5 resolving the conflict, the agent or other person authorized by law shall make the
6 decision in accordance with the agent's or person's knowledge of the prospective
7 donor's wishes and religious or moral beliefs, as stated orally, or as contained in
8 the declaration or advance health care directive.