

SENATE BILL NO. 2265

Introduced by

Senators Davison, Hogan

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 allowing unaccompanied homeless minors to access health care
3 without parental consent.

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

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

7 **Unaccompanied homeless minor's consent for health care.**

- 8 1. As used in this section, "unaccompanied homeless minor" means a minor fourteen
9 years of age or older living in one of the situations described in 42 U.S.C. 11434a(2)
10 and who is not in the care and physical custody of a parent or legal guardian.
- 11 2. An unaccompanied homeless minor may consent to, contract for, and receive medical,
12 dental, or behavioral health examinations, care, or treatment without permission,
13 authority, or consent of a parent or guardian. Acceptable documentation demonstrating
14 an individual is an unaccompanied homeless minor includes:
- 15 a. A statement documenting such status, signed by a director or designee of a
16 governmental or nonprofit entity that receives public or private funding to provide
17 services to individuals who are homeless;
- 18 b. A statement documenting such status, signed by a local educational agency
19 liaison for homeless children and youth designated pursuant to 42 U.S.C.
20 11432(g)(1)(J)(ii), a local educational agency foster care point of contact
21 designated pursuant to 20 U.S.C. 6312(c)(5)(A), or a school social worker or
22 counselor;
- 23 c. A statement documenting such status, signed by an attorney representing the
24 individual in any legal matter; or

- 1 d. A statement documenting such status, signed by the individual and two adults
2 with knowledge of the individual's actual circumstances.
- 3 3. This section does not authorize an unaccompanied homeless minor to consent to an
4 abortion or otherwise supersede the requirements of chapter 14-02.1.
- 5 4. An unaccompanied homeless minor who is a parent may consent to, contract for, and
6 receive medical, dental, and behavioral health examinations, care, or treatment for the
7 minor's child.
- 8 5. A physician or other qualified professional licensed to practice in this state who
9 provides medical, dental, or behavioral health examinations, care, or treatment to an
10 unaccompanied homeless minor under this section may not be held liable in any civil
11 or criminal action for providing such services without having obtained permission from
12 the minor's parent or guardian. This section does not relieve the physician or other
13 qualified professional from liability for negligence in the diagnosis or treatment of an
14 unaccompanied homeless minor.
- 15 6. Identification of an individual as an unaccompanied homeless minor automatically
16 does not mean the individual is a neglected child as defined in section 50-25.1-02.
- 17 7. This section does not supersede the mandatory reporting requirements of section
18 50-25.1-03.