

Fifty-seventh
Legislative Assembly
of North Dakota

SENATE BILL NO. 2451

Introduced by

Senators D. Mathern, Lee

Representative Svedjan

1 A BILL for an Act to amend and reenact subsection 5 of section 23-07.5-02 of the North Dakota
2 Century Code, relating to access to a dead person's medical records.

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

4 **SECTION 1. AMENDMENT.** Subsection 5 of section 23-07.5-02 of the 1999
5 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6 5. If a person who is the subject of a reported significant exposure is unconscious or
7 incapable of giving informed consent for testing under this section, that consent
8 may be obtained in accordance with section 23-12-13. If a person who is the
9 subject of a reported significant exposure dies without an opportunity to consent to
10 testing prior to admission to, or discharge or release from, the facility that received
11 that person, testing for the presence of any contagious disease must be
12 conducted. If a facility that received the person who died fails to test for the
13 presence of any contagious disease as required under this subsection, the facility
14 shall allow the exposed emergency medical services provider, health care provider,
15 or person who rendered aid under chapter 32-03.1 access to any human
16 immunodeficiency virus test results present in any medical records of the dead
17 person which are in the facility's control.