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 "Advance health care directive" means a health care directive under chapter a. 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 "Declaration" means a record signed by a prospective donor specifying the b. 13 circumstances under which a life support system may be withheld or 14 withdrawn from the prospective donor. 15 C. "Health care decision" means any decision made regarding the health care of 16 the prospective donor. 17 2.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necessary to ensure the medical suitability of an organ a part for transplantation or 21 therapy may not be withheld or withdrawn from the prospective donor, unless the 22 declaration or advance health care directive expressly provides to the contrary, the 23 prospective donor's attending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,

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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.