

Introduced by

Senators Krebsbach, Erbele, Warner

Representatives Dahl, Metcalf

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 consent for prenatal care and other pregnancy care services provided  
3 to minors; and to provide for a legislative council study.

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  
6 created and enacted as follows:

7 **Minor's consent for prenatal care and other pregnancy care services.**

- 8 1. a. A physician or other health care provider may provide pregnancy testing and  
9 pain management related to pregnancy to a minor without the consent of a  
10 parent or guardian.
- 11 b. A physician or other health care provider may provide prenatal care to a  
12 pregnant minor in the first trimester of pregnancy or may provide a single  
13 prenatal care visit in the second or third trimester of pregnancy without the  
14 consent of a parent or guardian.
- 15 c. A physician or other health care provider may provide prenatal care beyond  
16 the first trimester of pregnancy or in addition to the single prenatal care visit in  
17 the second or third trimester if, after a good-faith effort, the physician or other  
18 health care provider is unable to contact the minor's parent or guardian.
- 19 d. The costs incurred by the physician or other health care provider for  
20 performing services under this section may not be submitted to a third-party  
21 payer without the consent of the minor's parent or guardian.
- 22 e. This section does not authorize a minor to consent to abortion or otherwise  
23 supersede the requirements of chapter 14-02.1.

1           2. If a minor requests confidential services pursuant to subsection 1, the physician or  
2           other health care professional shall encourage the minor to involve her parents or  
3           guardian. Notwithstanding subsection 1, a physician or other health care  
4           professional or a health care facility may not be compelled against their best  
5           judgment to treat a minor based on the minor's own consent.

6           3. A physician or other health care professional who, pursuant to subsection 1,  
7           provides pregnancy care services to a minor may inform the parent or guardian of  
8           the minor of any pregnancy care services given or needed if the physician or other  
9           health care professional discusses with the minor the reasons for informing the  
10          parent or guardian prior to the disclosure and, in the judgment of the physician or  
11          other health care professional:

12          a. Failure to inform the parent or guardian would seriously jeopardize the health  
13          of the minor or her unborn child;

14          b. Surgery or hospitalization is needed; or

15          c. Informing the parent or guardian would benefit the health of the minor or her  
16          unborn child.

## 17           **SECTION 2. SERVICES FOR PREGNANT MINORS - LEGISLATIVE COUNCIL**

18   **STUDY.** During the 2009-10 interim, the legislative council shall consider studying existing  
19   services for minors who are pregnant and whether additional education and social services  
20   would enhance the potential for a healthy child and a positive outcome for the minor. The study  
21   must consider the potential benefits of support services for parents of these minors and  
22   guardianship for the minor for cases in which parental abuse or neglect may be an issue. The  
23   study must also consider the benefits to the minor of subsidies for open adoptions and  
24   supportive housing and child care for single parents enrolled in secondary and postsecondary  
25   educational institutions. The study must also determine the most desirable evidence-based  
26   service delivery system and the amount and sources of adequate funding. The legislative  
27   council shall report its findings and recommendations, together with any legislation required to  
28   implement the recommendations, to the sixty-second legislative assembly.