

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

Senator Fiebiger

1 A BILL for an Act to create and enact a new section to title 23 of the North Dakota Century
2 Code, relating to a health care directives registry.

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

4 **SECTION 1.** A new section to title 23 of the North Dakota Century Code is created and
5 enacted as follows:

6 **Health care directives registry - Fees.**

- 7 1. The secretary of state shall establish and maintain a health care directives registry,
8 through which a health care directive may be filed. The registry must be
9 accessible through a website maintained by the secretary of state.
- 10 2. An individual who is the subject of a health care directive, or that individual's agent,
11 may submit to the secretary of state for registration, in a form prescribed by the
12 secretary of state, a care directive executed in accordance with section 23-06.5-05,
13 and any written revocation in accordance with section 23-06.5-07.
- 14 3. Failure to register a document with the secretary of state under this section does
15 not affect the validity of the document. Failure to notify the secretary of state of the
16 revocation of a document filed under this section does not affect the validity of a
17 revocation that otherwise meets the statutory requirements for revocation.
- 18 4. a. Upon receipt of a completed registration form, the secretary of state shall
19 create a digital reproduction of the form, enter the reproduced form into the
20 health care directives registry database, and assign each registration a unique
21 file number. The secretary of state is not required to review a document to
22 ensure the document complies with any particular statutory requirements that
23 may apply to the document.

1 b. The secretary of state shall delete a document filed with the registry under this
2 section upon receipt of a revocation of the document along with that
3 document's file number. The entry of a document under this section does not
4 affect or otherwise create a presumption regarding the validity of the
5 document or the accuracy of the information contained in the document.

6 5. a. The registry must be accessible by entering the file number and password on
7 the internet website. Registrations, file numbers, and other information
8 maintained by the secretary of state under this section are confidential and
9 the state may not disclose this information to any person other than the
10 subject of the document, or the subject's agent. The secretary of state may
11 not use information contained in the registry except as provided under this
12 chapter.

13 b. At the request of the subject of the document, or the subject's agent, the
14 secretary of state may transmit the information received regarding the health
15 care directive to the registry system of another jurisdiction as identified by the
16 requester.

17 c. This section does not require a health care provider to seek to access registry
18 information about whether a patient has executed a document that may be
19 registered under this section. A health care provider who makes good-faith
20 health care decisions in reliance on the provisions of an apparently genuine
21 document received from the registry is immune from criminal and civil liability
22 to the same extent and under the same conditions as prescribed in section
23 23-06.5-12. This section does not affect the duty of a health care provider to
24 provide information to a patient regarding health care directives as may be
25 required under federal law.

26 6. The secretary of state may accept a gift, grant, donation, bequest, or other form of
27 voluntary contribution to support, promote, and maintain the registry. The
28 secretary of state shall charge and collect for:

29 a. Filing a health care directive, ten dollars; and

30 b. Filing a revocation of a health care directive, ten dollars.