

Testimony
Engrossed Senate Bill No. 2291
House Human Services Committee
Representative Ruby, Chairman
March 10, 2025

Chairman Ruby, and members of the House Human Services Committee, I am Jonathan Alm, Chief Legal Officer with the Department of Health and Human Services (Department). I appear before you in support of Engrossed Senate Bill No. 2291.

I appear before you to specifically talk about Sections 1 and 2 of this Bill.

Section 1:

The proposed changes in Section 1 of this Bill amend subsection 1 of 23-12-13 of the North Dakota Century Code regarding who can provide informed consent to health care for an incapacitated individual. The changes on page 1, lines 20 and 21 will allow a psychiatrist or psychologist to determine if an individual is incapacitated. This change would be consistent with the State's civil commitment, fitness to proceed, and lack of criminal responsibility statutes that allows for a physician, psychiatrist, or psychologist to determine if someone is incapacitated or lacks capacity. This change also updates the citation of incapacitated person to section 30-1-01-06, which is the same definition used in section 30.1-26-01. There is another bill, Engrossed Senate Bill No. 2297, that is scheduled to be heard by this committee on March 12th that also amends section 23-12-13. The Department of Health and Human Services will present an amendment to Engrossed Senate Bill No. 2297 to incorporate the request on page 1, line 20 of this Bill.

Section 2:

The proposed changes in Section 2 of this Bill amends subsection 1 section 25-03.1-18.1 of the North Dakota Century Code to add language that allows a Tier 1b mental health professional to request authorization from a court to treat an individual if the individual was voluntarily admitted to a public treatment facility under the civil commitment law. This will allow a public treatment facility to provide the necessary treatment to a voluntarily admitted individual when that individual or guardian does not have capacity to consent to the treatment.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.