

HOUSE BILL NO. 1365

Introduced by

Representatives Vigesaa, Devlin, Skroch

Senators Anderson, Dever, O. Larsen

1 A BILL for an Act to amend and reenact subsection 4 of section 30.1-28-12 of the North Dakota
2 Century Code, relating to powers and duties of a guardian regarding medical decisions; and to
3 declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Subsection 4 of section 30.1-28-12 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 4. ~~Notwithstanding~~A guardian has general or limited authority, as determined by the
8 court, to make medical decisions on behalf of the ward, ~~not including forced medication~~
9 pursuant to a physician's or advanced practice registered nurse's recommendation
10 when the power to provide forced medication is specifically included in the
11 guardianship order. However, a guardian may not consent to psychosurgery, abortion,
12 sterilization, or experimental treatment of any kind unless the procedure is first
13 approved by order of the court.

14 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.