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Sixty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2291

Introduced by

Senators J. Lee, D. Larson, Nelson

Representatives McWilliams, Skroch, Schneider

A BILL for an Act to amend and reenact section 25-03.1-16 and subsection 4 of section 30.1-28-12 of the North Dakota Century Code, relating to medication pending treatment order, and powers and duties of a guardian regarding medical decisions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 25-03.1-16 of the North Dakota Century Code is amended and reenacted as follows:

25-03.1-16. Medication pending treatment order.

1. ~~A~~Except as provided under this section, a patient who has requested release or an individual who is the subject of a petition for treatment has the right to refuse medication and other forms of treatment before the preliminary or treatment hearing. ~~However, a~~
2. A physician, a physician assistant, or an advanced practice registered nurse may prescribe medication or a less restrictive alternative if it is necessary to prevent bodily harm to the respondent or others ~~or~~, to prevent imminent deterioration of the respondent's physical or mental condition, or pursuant to section 30.1-28-12. The patient has the right to be free of the effects of medication at the preliminary or treatment hearing by discontinuance of medication no later than twenty-four hours before the hearing unless, in the opinion of the prescriber, the need for the medication still exists or discontinuation would hamper the respondent's preparation for and participation in the proceedings.

SECTION 2. AMENDMENT. Subsection 4 of section 30.1-28-12 of the North Dakota Century Code is amended and reenacted as follows:

4. ~~Notwithstanding~~A guardian has general or limited authority, as determined by the court, to make medical decisions on behalf of the ward, ~~no~~including forced medication

pursuant to a physician's recommendation. However, a guardian may not consent to psychosurgery, abortion, sterilization, or experimental treatment of any kind unless the procedure is first approved by order of the court.