



2023 Senate Bill no. 2356
Senate Education Committee
Senator Jay Elkin, Chairman
January 30, 2023

Chairman Elkin and members of the Senate Education Committee, I am Melissa Hauer, General Counsel/Vice President, of the North Dakota Hospital Association (NDHA). NDHA represents hospitals and health care systems in North Dakota. We oppose Senate Bill 2356 and ask that you give the bill a **Do Not Pass** recommendation.

This bill would create a new section in the chapter of the North Dakota Century Code that regulates the relationship between a parent and their child. While the intent of the bill sponsors may have been to regulate schools only, it is so broadly written that it would apply to any private entity – including hospitals. The bill provides that a private entity may not prohibit a minor child’s parent or guardian from attending an activity in which the minor child is participating. It does not restrict this subsection to educational settings only.

We are very concerned that the bill would require hospitals, clinics, and any health care provider to allow a parent, even those that have had their decision-making authority over their child taken away by a court or who have had a restraining order against them, to participate in the child’s medical care in any way the parent might demand. Often parents in these situations are at odds with each other over decision making for the child and that is why a court has had to step in.

I would like to introduce physician J’Patrick Fahn, DO, who is the Chief Medical Officer for CHI St. Alexius in Bismarck. He will provide you with examples of the kinds of situations that would become problematic for hospitals if this bill were to pass.

For these reasons and those that Dr. Fahn will explain, we ask that you give the bill a **Do Not Pass** recommendation. I would be happy to respond to any questions you may have.

Respectfully Submitted,
Melissa Hauer,
General Counsel/VP