

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2320

Introduced by

Senators Kilzer, DeMers

1 A BILL for an Act to amend and reenact subsection 5 of section 23-06.5-03 and subsection 4 of
2 section 23-12-13 of the North Dakota Century Code, relating to withdrawing or withholding
3 nutrition and hydration from incapacitated patients; and to provide an expiration date.

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

5 **SECTION 1. AMENDMENT.** Subsection 5 of section 23-06.5-03 of the 1997
6 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7 5. Nothing in this chapter permits an agent to consent to admission to a mental health
8 facility or state institution for a period of more than forty-five days without a mental
9 health proceeding or other court order, or to psychosurgery, abortion, or
10 sterilization, unless the procedure is first approved by court order. This chapter
11 does not permit an agent to withdraw or withhold nutrition or hydration, or both,
12 unless the patient had made a valid written statement concerning nutrition or
13 hydration or the patient has a terminal condition as defined in subsection 7 of
14 section 23-06.4-02 and the attending physician has determined that the
15 administration of nutrition or hydration is inappropriate because the nutrition or
16 hydration cannot be physically assimilated by the patient or would be physically
17 harmful or would cause unreasonable physical pain to the patient.

18 **SECTION 2. AMENDMENT.** Subsection 4 of section 23-12-13 of the 1997
19 Supplement to the North Dakota Century Code is amended and reenacted as follows:

20 4. No person authorized to provide informed consent pursuant to this section may
21 provide consent for sterilization, abortion, or psychosurgery or for admission to a
22 state mental health facility for a period of more than forty-five days without a
23 mental health proceeding or other court order. A person authorized to provide
24 informed consent pursuant to this section may not provide consent to withdraw or

1 withhold nutrition or hydration, or both, unless the patient had made a valid written
2 statement concerning nutrition or hydration or the patient has a terminal condition
3 as defined in subsection 7 of section 23-06.4-02 and the attending physician has
4 determined that the administration of nutrition or hydration is inappropriate
5 because the nutrition or hydration cannot be physically assimilated by the patient
6 or would be physically harmful or would cause unreasonable physical pain to the
7 patient.

8 **SECTION 3. EXPIRATION DATE.** This Act is effective until July 31, 2001, and after
9 that date is ineffective.