23.8091.01000

Sixty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2091

Introduced by

Judiciary Committee

(At the request of the Department of Corrections and Rehabilitation)

A BILL for an Act to create and enact a new subsection to section 12-47-36 of the North Dakota Century Code, relating to exceptions to confidential records.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 12-47-36 of the North Dakota Century Code is created and enacted as follows:

Notwithstanding any other provision of law relating to privilege or confidentiality, except for the confidentiality requirements of federal drug and alcohol treatment and rehabilitation laws, if the department of corrections and rehabilitation approves, the following individuals, organizations, or agencies without prior application to the court may inspect case history, medical, psychological, or treatment records:

a. The emergency contact or next of kin of an adult in custody who has a serious or terminal medical condition;

b. The guardian, conservator, or an individual with a medical power of attorney of an adult in custody or adult under supervision;

c. If an adult in custody or former adult in custody provides written authorization, an individual, organization, or entity assisting the adult in custody or former adult in custody with social services, housing, behavioral health or medical services, employment, education, child care, or transportation; and

d. The court.