Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023

SENATE BILL NO. 2091
(Judiciary Committee)
(At the request of the Department of Corrections and Rehabilitation)

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.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2091.

Senate Vote:	Yeas 47	Nays 0	Absent 0
House Vote:	Yeas 93	Nays 0	Absent 1

Secretary of the Senate

Received by the Governor at _____M. on _____, 2023.

Approved at _____M. on _____, 2023.

Governor

Filed in this office this _____day of _____, 2023,

at _____ o'clock _____M.

Secretary of State