

Sixty-first  
Legislative Assembly  
of North Dakota

Introduced by

1 A BILL for an Act to amend and reenact section 23-06.6-20 of the North Dakota Century Code,  
2 relating to updates to the revised Uniform Anatomical Gift Act.

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

4 **SECTION 1. AMENDMENT.** Section 23-06.6-20 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **23-06.6-20. Effect of anatomical gift on advance health care directive.**

7 1. In this section:

8 a. "Advance health care directive" means a health care directive under chapter  
9 23-06.5, a power of attorney for health care, or a record signed or authorized  
10 by a prospective donor containing the prospective donor's direction  
11 concerning a health care decision for the prospective donor.

12 b. "Declaration" means a record signed by a prospective donor specifying the  
13 circumstances under which a life support system may be withheld or  
14 withdrawn from the prospective donor.

15 c. "Health care decision" means any decision ~~made~~ regarding the health care of  
16 the prospective donor.

17 2. If a prospective donor has a declaration or advance health care directive; and the  
18 terms of the declaration or directive and the express or implied terms of a potential  
19 anatomical gift are in conflict with regard to the administration of measures  
20 necessary to ensure the medical suitability of an organ a part for transplantation or  
21 therapy may not be withheld or withdrawn from the prospective donor, unless the  
22 declaration or advance health care directive expressly provides to the contrary, the  
23 prospective donor's attending physician and prospective donor shall confer to  
24 resolve the conflict. If the prospective donor is incapable of resolving the conflict,

1           an agent acting under the prospective donor's declaration or directive or, if none or  
2           the agent is not reasonably available, another person authorized by law other than  
3           this chapter to make health care decisions on behalf of the prospective donor shall  
4           act for the donor to resolve the conflict. The conflict must be resolved as  
5           expeditiously as possible. Information relevant to the resolution of the conflict may  
6           be obtained from the appropriate procurement organization and any other person  
7           authorized to make an anatomical gift for the prospective donor under section  
8           23-06.6-09. Before resolution of the conflict, measures necessary to ensure the  
9           medical suitability of the part may not be withheld or withdrawn from the  
10          prospective donor if withholding or withdrawing the measures is not contraindicated  
11          by appropriate end-of-life care.