

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

SENATE BILL NO. 2265
(Senators Davison, Hogan)

AN ACT to create and enact a new section to chapter 14-10 of the North Dakota Century Code, relating to allowing unaccompanied homeless minors to access health care without parental consent.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 14-10 of the North Dakota Century Code is created and enacted as follows:

Unaccompanied homeless minor's consent for health care.

1. As used in this section, "unaccompanied homeless minor" means a minor fourteen years of age or older living in one of the situations described in 42 U.S.C. 11434a(2) and who is not in the care and physical custody of a parent or legal guardian.
2. An unaccompanied homeless minor may consent to, contract for, and receive medical, dental, or behavioral health examinations, care, or treatment without permission, authority, or consent of a parent or guardian. Acceptable documentation demonstrating an individual is an unaccompanied homeless minor includes:
 - a. A statement documenting such status, signed by a director or designee of a governmental or nonprofit entity that receives public or private funding to provide services to individuals who are homeless;
 - b. A statement documenting such status, signed by a local educational agency liaison for homeless children and youth designated pursuant to 42 U.S.C. 11432(g)(1)(J)(ii), a local educational agency foster care point of contact designated pursuant to 20 U.S.C. 6312(c)(5)(A), or a school social worker or counselor;
 - c. A statement documenting such status, signed by an attorney representing the individual in any legal matter; or
 - d. A statement documenting such status, signed by the individual and two adults with knowledge of the individual's actual circumstances.
3. This section does not authorize an unaccompanied homeless minor to consent to an abortion or otherwise supersede the requirements of chapter 14-02.1.
4. An unaccompanied homeless minor who is a parent may consent to, contract for, and receive medical, dental, and behavioral health examinations, care, or treatment for the minor's child.
5. A physician or other qualified professional licensed to practice in this state who provides medical, dental, or behavioral health examinations, care, or treatment to an unaccompanied homeless minor under this section may not be held liable in any civil or criminal action for providing such services without having obtained permission from the minor's parent or guardian. This section does not relieve the physician or other qualified professional from liability for negligence in the diagnosis or treatment of an unaccompanied homeless minor.
6. Identification of an individual as an unaccompanied homeless minor automatically does not mean the individual is a neglected child as defined in section 50-25.1-02.
7. This section does not supersede the mandatory reporting requirements of section 50-25.1-03.

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-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2265.

Senate Vote: Yeas 44 Nays 2 Absent 1

House Vote: Yeas 66 Nays 28 Absent 0

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2021.

Approved at _____ M. on _____, 2021.

Governor

Filed in this office this _____ day of _____, 2021,

at _____ o'clock _____ M.

Secretary of State