

**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.

Tammy Miller
President of the Senate

Dennis Johnson
Speaker of the House

Brandi Morgan
Secretary of the Senate

Bruce F. Reich
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

Brandi Morgan
Secretary of the Senate

Received by the Governor at 3:00 PM. on March 23, 2023.

Approved at 10:40 AM. on March 27, 2023.

Doug Burgum
Governor

Filed in this office this 28th day of March, 2023,
at 2:46 o'clock P M.

Michael Howe
Secretary of State