

SENATE BILL NO. 2377

Introduced by

Senators Krebsbach, Heckaman, J. Lee

Representatives Price, Thoreson

1 A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota
2 Century Code, relating to obstetrical services provided by laypeople; to amend and reenact
3 section 23-07-10 of the North Dakota Century Code, relating to duties of professionals
4 attending births; and to provide a penalty.

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

6 **SECTION 1.** A new section to chapter 12.1-31 of the North Dakota Century Code is
7 created and enacted as follows:

8 **Obstetrical services by laypeople.**

- 9 1. It is a class B misdemeanor for a person to provide or offer to provide obstetrical
10 services to an individual in this state unless the person is a professional licensed
11 under or otherwise in compliance with chapter 43-12.1 or 43-17. As used in this
12 section, obstetrical services means the physical examination of an individual at any
13 stage of her pregnancy and means the physical supervision or provision of
14 services to an individual during her labor or childbirth.
- 15 2. This section does not apply to a person that offers to provide or provides
16 obstetrical services:
- 17 a. If the person is a family member of the pregnant individual and the services
18 are not provided as part of a business arrangement.
- 19 b. In an emergency situation if the person providing services is providing the
20 services as a good samaritan under chapter 32-03.1 or section 32-03-40 or
21 39-08-04.1 or as personnel of an emergency medical services operation
22 licensed under chapter 23-17.

3. Violation of this section may be prosecuted under this section or chapter 43-12.1
for the unauthorized practice of nursing or chapter 43-17 for the unauthorized
practice of medicine.

SECTION 2. AMENDMENT. Section 23-07-10 of the North Dakota Century Code is
amended and reenacted as follows:

23-07-10. Preventing infant blindness - Duty of ~~physician or midwife~~
professionals in attendance at birth. All physicians, ~~midwives~~, or other persons in
professional attendance upon a birth ~~always~~ shall examine the eyes of the infant carefully. If
there is ~~the least~~ any reason to suspect the presence of a disease of the eyes, ~~such person the~~
professional in attendance shall apply ~~such~~ prophylactic treatment ~~as may be~~ that is recognized
as efficient in medical science.