

Sixty-ninth
Legislative Assembly
of North Dakota

**FIRST ENGROSSMENT
with Senate Amendments**

ENGROSSED HOUSE BILL NO. 1511

Introduced by

Representatives Rohr, Lefor, D. Ruby, Steiner, Vigesaa

Senators Gerhardt, Hogue, Klein, Myrdal

1 A BILL for an Act to create and enact a new subsection to section 43-17-27.1 of the North
2 Dakota Century Code, relating to physician continuing education requirements; to amend and
3 reenact section 14-02.1-04 of the North Dakota Century Code, relating to limitations on the
4 performance of an abortion; to provide an appropriation; to provide an effective date; and to
5 declare an emergency.

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

7 **SECTION 1. AMENDMENT.** Section 14-02.1-04 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **14-02.1-04. Limitations on the performance of abortions - Penalty.**

- 10 1. An abortion may not be performed by any ~~person~~individual other than a physician who
11 is using applicable medical standards and who is licensed to practice in this state. All
12 physicians performing abortion procedures must have admitting privileges at a hospital
13 located within thirty miles [42.28 kilometers] of the abortion facility and staff privileges
14 to replace hospital on-staff physicians at that hospital. These privileges must include
15 the abortion procedures the physician will be performing at abortion facilities. An
16 abortion facility must have a staff member trained in cardiopulmonary resuscitation
17 present at all times when the abortion facility is open and abortions are scheduled to
18 be performed.
- 19 2. After the first twelve weeks of pregnancy but before the time at which the unborn child
20 may reasonably be expected to have reached viability, an abortion may not be
21 performed in any facility other than a licensed hospital.

- 1 3. An abortion facility may not perform an abortion on a woman without first offering the
2 woman an opportunity to receive and view at the abortion facility or another facility an
3 active ultrasound of her unborn child. The offer and opportunity to receive and view an
4 ultrasound must occur at least twenty-four hours before the abortion is scheduled to
5 be performed. The active ultrasound image must be of a quality consistent with
6 standard medical practice in the community, contain the dimensions of the unborn
7 child, and accurately portray the presence of external members and internal organs,
8 including the heartbeat, if present or viewable, of the unborn child. The auscultation of
9 the fetal heart tone must be of a quality consistent with standard medical practice in
10 the community. The abortion facility shall document the woman's response to the offer,
11 including the date and time of the offer and the woman's signature attesting to her
12 informed decision.
- 13 4. A physician may not perform an abortion unless the physician has reviewed the
14 educational information created under section 43-17-27.1 within two years before the
15 performance of an abortion. This subsection does not apply in the case of a medical
16 emergency.
- 17 5. Any physician who performs an abortion without complying with the provisions of this
18 section is guilty of a class A misdemeanor.
- 19 5.6. It is a class B felony for any ~~person~~individual, other than a physician licensed under
20 chapter 43-17, to perform an abortion in this state.

21 **SECTION 2.** A new subsection to section 43-17-27.1 of the North Dakota Century Code is
22 created and enacted as follows:

23 The board shall provide access on the board's website to an instructional course on
24 chapters 12.1-19.1, 14-02.1, and 14-02.6 as the chapters relate to the practice of
25 medicine. The instructional course must be developed by contract through the office of
26 management and budget, in consultation with and with final approval from the attorney
27 general. This section does not create a right of action against the board by a physician
28 acting upon reliance of the instructional course. The instructional course must be
29 updated periodically to accurately reflect state law.

30 **SECTION 3. APPROPRIATION - OFFICE OF MANAGEMENT AND BUDGET -**
31 **INSTRUCTIONAL COURSE DEVELOPMENT.** There is appropriated out of any moneys in the

1 general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much
2 of the sum as may be necessary, to the office of management and budget for the purpose of
3 developing an instructional course on chapters 12.1-19.1, 14-02.1, and 14-02.6 as the chapters
4 relate to the practice of medicine, for the biennium beginning July 1, 2025, and ending June 30,
5 2027. The contract must be awarded to an individual who is or an organization that includes a
6 physician with a minimum of twenty-five years of experience in the practice of obstetrics in the
7 state, and must be developed with and granted final approval from the attorney general.

8 **SECTION 4. EFFECTIVE DATE.** Sections 1 and 2 of this Act become effective on
9 January 1, 2026.

10 **SECTION 5. EMERGENCY.** Section 3 of this Act is declared to be an emergency measure.