

**Sixty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2025**

HOUSE BILL NO. 1511
(Representatives Rohr, Lefor, D. Ruby, Steiner, Vigesaa)
(Senators Gerhardt, Hogue, Klein, Myrdal)

AN ACT to create and enact a new subsection to section 43-17-27.1 of the North Dakota Century Code, relating to physician continuing education requirements; to amend and reenact section 14-02.1-04 of the North Dakota Century Code, relating to limitations on the performance of an abortion; to provide an appropriation; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

1. An abortion may not be performed by any ~~person~~individual other than a physician who is using applicable medical standards and who is licensed to practice in this state. All physicians performing abortion procedures must have admitting privileges at a hospital located within thirty miles [42.28 kilometers] of the abortion facility and staff privileges to replace hospital on-staff physicians at that hospital. These privileges must include the abortion procedures the physician will be performing at abortion facilities. An abortion facility must have a staff member trained in cardiopulmonary resuscitation present at all times when the abortion facility is open and abortions are scheduled to be performed.
2. After the first twelve weeks of pregnancy but before the time at which the unborn child may reasonably be expected to have reached viability, an abortion may not be performed in any facility other than a licensed hospital.
3. An abortion facility may not perform an abortion on a woman without first offering the woman an opportunity to receive and view at the abortion facility or another facility an active ultrasound of her unborn child. The offer and opportunity to receive and view an ultrasound must occur at least twenty-four hours before the abortion is scheduled to be performed. The active ultrasound image must be of a quality consistent with standard medical practice in the community, contain the dimensions of the unborn child, and accurately portray the presence of external members and internal organs, including the heartbeat, if present or viewable, of the unborn child. The auscultation of the fetal heart tone must be of a quality consistent with standard medical practice in the community. The abortion facility shall document the woman's response to the offer, including the date and time of the offer and the woman's signature attesting to her informed decision.
4. A physician may not perform an abortion unless the physician has reviewed the educational information created under section 43-17-27.1 within two years before the performance of an abortion. This subsection does not apply in the case of a medical emergency.
5. Any physician who performs an abortion without complying with the provisions of this section is guilty of a class A misdemeanor.
- 5.6. It is a class B felony for any ~~person~~individual, other than a physician licensed under chapter 43-17, to perform an abortion in this state.

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

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

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

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

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1511 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 72 Nays 17 Absent 5

Speaker of the House

Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 41 Nays 5 Absent 1

President of the Senate

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2025.

Approved at _____ M. on _____, 2025.

Governor

Filed in this office this _____ day of _____, 2025,
at _____ o'clock _____ M.

Secretary of State