

SENATE BILL NO. 2418

Introduced by

Senators Naaden, Mutch

Representatives Boehm, Gorder, Sandvig

1 A BILL for an Act to create and enact a new section to chapter 12.1-16 and a new section to
2 chapter 43-17 of the North Dakota Century Code, relating to the protection of a preborn child
3 and the duty of physicians; to repeal chapter 14-02.1 of the North Dakota Century Code,
4 relating to abortion control; and to provide for antiseverability.

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

6 **SECTION 1.** A new section to chapter 12.1-16 of the North Dakota Century Code is
7 created and enacted as follows:

8 **Terminating human life - Preborn children.** A person is guilty of a class B felony if
9 the person intentionally destroys or terminates the life of a preborn child. For the purpose of
10 this section, "preborn child" includes from the time of fertilization until the time of natural birth.
11 The accidental or unintentional injury or death of a preborn child which is the result of medical
12 treatment provided to the mother by a licensed physician is not a violation of this section.

13 **SECTION 2.** A new section to chapter 43-17 of the North Dakota Century Code is
14 created and enacted as follows:

15 **Duty of physicians treating pregnant women.** Any physician licensed under this
16 chapter who provides health care to pregnant women, in every case, shall make every effort to
17 preserve the life of the mother and the life of the preborn child. In addition to any penalty
18 imposed under section 1 of this Act, a physician who violates this section is subject to license
19 revocation under this chapter. The accidental or unintentional injury or death of an unborn child
20 which is the result of medical treatment provided to the mother by a licensed physician is not a
21 violation of this section.

22 **SECTION 3. REPEAL.** Chapter 14-02.1 of the North Dakota Century Code is
23 repealed.

1 **SECTION 4. ANTISEVERABILITY.** If a court declares section 1 or 2 of this Act
2 unconstitutional, section 1-02-20 does not apply and section 3 of this Act is not severable from
3 that portion declared unconstitutional and, notwithstanding section 1-02-16, chapter 14-02.1
4 becomes effective as it existed immediately before the effective date of this Act.