

**HOUSE BILL NO. 1336**

Introduced by

Representatives Johnston, Becker, Ertelt, Hoverson, Kasper, Monson, Paulson, Skroch

Senators Kannianen, O. Larsen, Luick, Myrdal

1 A BILL for an Act to create and enact a new subdivision to subsection 1 of section 14-02.1-02.1  
2 of the North Dakota Century Code, relating to printed information by state department of health;  
3 and to amend and reenact subsection 11 of section 14-02.1-02 of the North Dakota Century  
4 Code, relating to informed consent requirements before an abortion.

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

6 **SECTION 1. AMENDMENT.** Subsection 11 of section 14-02.1-02 of the North Dakota  
7 Century Code is amended and reenacted as follows:

8 11. "Informed consent" means voluntary consent to abortion by the woman upon whom  
9 the abortion is to be performed or induced provided that:

10 a. The woman is told the following by the physician who is to perform the abortion,  
11 by the referring physician, or by the physician's agent, at least twenty-four hours  
12 before the abortion:

13 (1) The name of the physician who will perform the abortion;

14 (2) The abortion will terminate the life of a whole, separate, unique, living  
15 human being;

16 (3) The particular medical risks associated with the particular abortion  
17 procedure to be employed including, when medically accurate, the risks of  
18 infection, hemorrhage, danger to subsequent pregnancies, and infertility;

19 (4) The probable gestational age of the unborn child at the time the abortion is  
20 to be performed; and

21 (5) The medical risks associated with carrying her child to term.

22 b. The woman is informed, by the physician or the physician's agent, at least  
23 twenty-four hours before the abortion:

- 1           (1) That medical assistance benefits may be available for prenatal care,  
2           childbirth, and neonatal care and that more detailed information on the  
3           availability of that assistance is contained in the printed materials given to  
4           her as described in section 14-02.1-02.1;
- 5           (2) That the printed materials given to her and described in section  
6           14-02.1-02.1 describe the unborn child and list agencies that offer  
7           alternatives to abortion;
- 8           (3) That the father is liable to assist in the support of her child, even in  
9           instances in which the father has offered to pay for the abortion; ~~and~~
- 10          (4) That she is free to withhold or withdraw her consent to the abortion at any  
11          time without affecting her right to future care or treatment and without the  
12          loss of any state or federally funded benefits to which she might otherwise  
13          be entitled; and
- 14          (5) That it may be possible to reverse the effects of an abortion-inducing drug if  
15          she changes her mind, but time is of the essence, and information and  
16          assistance with reversing the effects of an abortion-inducing drug are  
17          available in the printed materials given to her as described in section  
18          14-02.1-02.1.
- 19          c. The woman certifies in writing, prior to the abortion, that the information  
20          described in subdivisions a and b has been furnished to her.
- 21          d. Before the performance of the abortion, the physician who is to perform or induce  
22          the abortion or the physician's agent receives a copy of the written certification  
23          prescribed by subdivision c.
- 24          e. The physician has not received or obtained payment for a service provided to a  
25          patient who has inquired about an abortion or has scheduled an abortion before  
26          the twenty-four-hour period required by this section.

27          **SECTION 2.** A new subdivision to subsection 1 of section 14-02.1-02.1 of the North Dakota  
28          Century Code is created and enacted as follows:

29                   Materials including information it may be possible to reverse the effects of an  
30                   abortion-inducing drug but time is of the essence. The materials must include  
31                   information directing the patient where to obtain further information and

- 1 assistance in locating a medical professional who can aid in the reversal of
- 2 abortion-inducing drugs, such as mifepristone and misoprostol.