Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019

HOUSE BILL NO. 1336
(Representatives Johnston, Becker, Ertelt, Hoverson, Kasper, Monson, Paulson, Skroch)
(Senators Kannianen, O. Larsen, Luick, Myrdal)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

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

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

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

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

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

        (1) That medical assistance benefits may be available for prenatal care, childbirth, and neonatal care and that more detailed information on the availability of that assistance is contained in the printed materials given to her as described in section 14-02.1-02.1;

        (2) That the printed materials given to her and described in section 14-02.1-02.1 describe the unborn child and list agencies that offer alternatives to abortion;

        (3) That the father is liable to assist in the support of her child, even in instances in which the father has offered to pay for the abortion; ~~and~~

        (4) That she is free to withhold or withdraw her consent to the abortion at any time without affecting her right to future care or treatment and without the loss of any state or federally funded benefits to which she might otherwise be entitled; and

        (5) That it may be possible to reverse the effects of an abortion-inducing drug if she changes her mind, but time is of the essence, and information and assistance with

reversing the effects of an abortion-inducing drug are available in the printed materials given to her as described in section 14-02.1-02.1.

c. The woman certifies in writing, prior to the abortion, that the information described in subdivisions a and b has been furnished to her.

d. Before the performance of the abortion, the physician who is to perform or induce the abortion or the physician's agent receives a copy of the written certification prescribed by subdivision c.

e. The physician has not received or obtained payment for a service provided to a patient who has inquired about an abortion or has scheduled an abortion before the twenty-four-hour period required by this section.

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

Materials including information it may be possible to reverse the effects of an abortion-inducing drug but time is of the essence. The materials must include information directing the patient where to obtain further information and assistance in locating a medical professional who can aid in the reversal of abortion-inducing drugs, such as mifepristone and misoprostol.

_____	_____
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-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1336.

House Vote:	Yeas 73	Nays 16	Absent 5
Senate Vote:	Yeas 34	Nays 11	Absent 2

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Chief Clerk of the House

Received by the Governor at _____M. on _____, 2019.

Approved at _____M. on _____, 2019.

_____
Governor

Filed in this office this _____day of _____, 2019,

at _____ o'clock _____M.

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Secretary of State