Sixty-ninth Legislative Assembly of North Dakota

HOUSE BILL NO. 1373

Introduced by

Representatives VanWinkle, Henderson, Hoverson, Morton, Rios, Heilman, Wolff, D. Johnston, Osowski

Senators Castaneda, Clemens, Van Oosting

- 1 A BILL for an Act to create and enact a new section to chapter 12.1-16, a new section to chapter
- 2 12.1-17, and two new sections to chapter 32-21 of the North Dakota Century Code, relating to
- 3 the definition of human being and person as the terms relate to the offenses of murder and
- 4 assault, and civil actions for death caused by wrongful acts.

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 created 7 and enacted as follows:
- 8 **Definitions Application.**
- 9 1. As used in this chapter:
- 10 <u>a. "Human being" includes an unborn child.</u>
- 11 <u>b.</u> <u>"Unborn child" means an individual living human child before birth from the</u>
- beginning of biological development at the moment of fertilization upon the fusion
- of a human spermatozoon with a human ovum.
- 14 <u>2. This chapter does not apply to the unintentional death of an unborn child resulting</u>
- 15 <u>from:</u>
- 16 <u>a. Acts performed under the usual and customary standards of medical practice</u>
- 17 <u>during diagnostic testing</u>;
- b. A procedure undertaken to save the life of a mother when accompanied by
- 19 reasonable steps to save the life of the unborn child; or
- 20 c. Spontaneous miscarriage.
- 21 **SECTION 2.** A new section to chapter 12.1-17 of the North Dakota Century Code is created
- 22 and enacted as follows:

1	<u>Def</u>	finitions - Application.		
2	<u>1.</u>	As used in this chapter:		
3		<u>a.</u>	"Human being" includes an unborn child.	
4		<u>b.</u>	"Unborn child" means an individual living human child before birth from the	
5			beginning of biological development at the moment of fertilization upon the fusion	
6			of a human spermatozoon with a human ovum.	
7	<u>2.</u>	This chapter does not apply to the unintentional injury of an unborn child resulting		
8		from:		
9		<u>a.</u>	Acts performed under the usual and customary standards of medical practice	
10			during diagnostic testing;	
11		<u>b.</u>	A procedure undertaken to save the life of a mother when accompanied by	
12			reasonable steps to save the life of the unborn child; or	
13		<u>C.</u>	Spontaneous miscarriage.	
14	SECTION 3. A new section to chapter 32-21 of the North Dakota Century Code is created			
15	and enacted as follows:			
16	<u>Def</u>	Definitions.		
17	<u>As</u>	used in this chapter:		
18	<u>1.</u>	"Person" includes an unborn child.		
19	<u>2.</u>	<u>"Un</u>	born child" means an individual living human child before birth from the beginning	
20		of b	iological development at the moment of fertilization upon the fusion of a human	
21		<u>spe</u>	rmatozoon with a human ovum.	
22	SECTION 4. A new section to chapter 32-21 of the North Dakota Century Code is created			
23	and enacted as follows:			
24	Exceptions.			
25	<u>Thi</u>	nis chapter does not apply to the unintentional injury of an unborn child resulting from:		
26	<u>1.</u>	Acts	s performed under the usual and customary standards of medical practice during	
27		<u>diaç</u>	gnostic testing:	
28	<u>2.</u>	A pr	ocedure undertaken to save the life of a mother when accompanied by reasonable	
29		<u>ste</u> p	os to save the life of the unborn child; or	
30	<u>3.</u>	Spo	ontaneous miscarriage.	