

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED HOUSE BILL NO. 1511

Introduced by

Representatives Rohr, Lefor, D. Ruby, Steiner, Vigesaa

Senators Gerhardt, Hogue, Klein, Myrdal

1 A BILL for an Act to create and enact a new subsection to section 43-17-27.1 of the North
2 Dakota Century Code, relating to physician continuing education requirements; to amend and
3 reenact section 14-02.1-04 of the North Dakota Century Code, relating to limitations on the
4 performance of an abortion; to provide an appropriation; to provide an effective date; and to
5 declare an emergency.

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

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

9 **14-02.1-04. Limitations on the performance of abortions - Penalty.**

10 1. An abortion may not be performed by any ~~person~~individual other than a physician ~~engaged in the practice of obstetrics~~,
11 ~~engaged in the practice of obstetrics~~, who is using applicable medical standards and
12 who is licensed to practice in this state. All physicians performing abortion procedures
13 must have admitting privileges at a hospital located within thirty miles [42.28
14 kilometers] of the abortion facility and staff privileges to replace hospital on-staff
15 physicians at that hospital. These privileges must include the abortion procedures the
16 physician will be performing at abortion facilities. An abortion facility must have a staff
17 member trained in cardiopulmonary resuscitation present at all times when the
18 abortion facility is open and abortions are scheduled to be performed.

1 2. After the first twelve weeks of pregnancy but before the time at which the unborn child
2 may reasonably be expected to have reached viability, an abortion may not be
3 performed in any facility other than a licensed hospital.

4 3. An abortion facility may not perform an abortion on a woman without first offering the
5 woman an opportunity to receive and view at the abortion facility or another facility an
6 active ultrasound of her unborn child. The offer and opportunity to receive and view an
7 ultrasound must occur at least twenty-four hours before the abortion is scheduled to
8 be performed. The active ultrasound image must be of a quality consistent with
9 standard medical practice in the community, contain the dimensions of the unborn
10 child, and accurately portray the presence of external members and internal organs,
11 including the heartbeat, if present or viewable, of the unborn child. The auscultation of
12 the fetal heart tone must be of a quality consistent with standard medical practice in
13 the community. The abortion facility shall document the woman's response to the offer,
14 including the date and time of the offer and the woman's signature attesting to her
15 informed decision.

16 4. A physician may not perform an abortion unless the physician has reviewed the
17 educational information created under section 43-17-27.1 within ~~one year~~two years
18 before the performance of an abortion. This subsection does not apply in the case of a
19 medical emergency.

20 5. Any physician who performs an abortion without complying with the provisions of this
21 section is guilty of a class A misdemeanor.

22 5-6. It is a class B felony for any ~~person~~individual, other than a physician licensed under
23 chapter 43-17, to perform an abortion in this state.

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

26 ~~As part of licensure or renewal requirements under this section, the~~The board shall
27 ~~require a physician engaging in the practice of obstetrics to complete~~provide access
28 ~~on the board's website~~ to an instructional course on chapters 12.1-19.1, 14-02.1, and
29 14-02.6 as the chapters relate to the practice of medicine. The instructional course
30 must be developed by contract through the office of management and budget, in
31 consultation with and with final approval from the attorney general. This section does

1 not create a right of action against the board by a physician acting upon reliance of the
2 instructional course. **The instructional course must be updated periodically to**
3 **accurately reflect state law.**

4 **SECTION 3. APPROPRIATION - OFFICE OF MANAGEMENT AND BUDGET -**

5 **INSTRUCTIONAL COURSE DEVELOPMENT.** There is appropriated out of any moneys in the
6 general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much
7 of the sum as may be necessary, to the office of management and budget for the purpose of
8 developing an instructional course on chapters 12.1-19.1, 14-02.1, and 14-02.6 as the chapters
9 relate to the practice of medicine, for the biennium beginning July 1, 2025, and ending June 30,
10 2027. The contract must be awarded to an individual who is or an organization that includes a
11 physician with a minimum of twenty-five years of experience in the practice of obstetrics in the
12 state, and must be developed with and granted final approval from the attorney general.

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

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