

Introduced by

1 A BILL for an Act to amend and reenact section 14-02.1-04 of the North Dakota Century Code,
2 relating to limitations on the performance of abortion.

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

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

6 **14-02.1-04. Limitations on the performance of abortions - Penalty.**

- 7 1. No abortion may be done by any person other than a licensed physician using
8 medical standards applicable to all other surgical procedures.
- 9 2. After the first twelve weeks of pregnancy but prior to the time at which the fetus
10 may reasonably be expected to have reached viability, no abortion may be
11 performed in any facility other than a licensed hospital.
- 12 3. After the point in pregnancy when the fetus may reasonably be expected to have
13 reached viability, no abortion may be performed except in a hospital, and then only
14 if in the medical judgment of the physician the abortion is necessary to preserve
15 the life of the woman or if in the physician's medical judgment the continuation of
16 her pregnancy will impose on her a substantial risk of grave impairment of her
17 physical or mental health.

18 An abortion under this subsection may only be performed if the
19 above-mentioned medical judgment of the physician who is to perform the abortion
20 is first certified by the physician in writing, setting forth in detail the facts upon
21 which the physician relies in making this judgment and if this judgment has been
22 concurred in by two other licensed physicians who have examined the patient. The
23 foregoing certification and concurrence is not required in the case of an emergency
24 when the abortion is necessary to preserve the life of the patient.

- 1 4. a. At least one hour before any part of an abortion is performed or induced,
2 including that administration of any anesthesia or medication in preparation of
3 the abortion, the physician who is to perform or induce the abortion, or the
4 certified technician who is working in conjunction with the physician, shall
5 perform an obstetric ultrasound on the pregnant woman, using either a
6 vaginal transducer or an abdominal transducer, whichever device would
7 display the embryo or fetus more clearly. The physician or certified technician
8 shall:
- 9 (1) Provide a simultaneous explanation of what the ultrasound is depicting;
10 (2) Display the ultrasound images so that the pregnant woman may view
11 the images;
- 12 (3) Provide a medical description of the ultrasound images, which must
13 include the dimensions of the embryo or fetus, the presence of cardiac
14 activity, if present and viewable, and the presence of external members
15 and internal organs, if present and viewable; and
- 16 (4) Obtain a written certification from the woman that, before the abortion,
17 the requirements of this subdivision have been met.
- 18 b. The abortion facility shall retain a copy of the written certification in the
19 medical file of the woman. The written certification must be retained in the file
20 for at least seven years. If the woman is a minor, written certification must be
21 retained in the file for at least seven years or for five years after the minor
22 reaches the age of majority whichever is greater.
- 23 c. Subdivision a may not be construed to prevent a pregnant woman from
24 averting her eyes from the ultrasound images.
- 25 5. Any licensed physician who performs an abortion without complying with the
26 provisions of this section is guilty of a class A misdemeanor.
- 27 ~~5-~~ 6. It is a class B felony for any person, other than a physician licensed under chapter
28 43-17, to perform an abortion in this state.