

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1546

Introduced by

Representatives Simons, Becker, Ertelt, Magrum, Rohr, Toman

Senators Kannianen, O. Larsen, Luick, Schaible, Wanzek

1 A BILL for an Act to create and enact a new section to chapter 14-02.1 of the North Dakota
2 Century Code, relating to prohibition on human dismemberment abortion; to amend and reenact
3 section 2 of chapter 132 of the 2007 Session Laws, relating to the implementation of the
4 prohibition of the performance of abortions; to provide a penalty; and to provide an effective
5 date.

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

7 **SECTION 1.** A new section to chapter 14-02.1 of the North Dakota Century Code is created
8 and enacted as follows:

9 **Prohibition on human dismemberment abortion - Penalty.**

- 10 1. For purposes of this section, "human dismemberment abortion" means intentionally
11 dismembering a living unborn child and extracting the unborn child one piece at a time
12 from a uterus, with the purpose of causing the death of an unborn child, through use of
13 clamps, grasping forceps, tongs, scissors, or similar instruments that, through the
14 convergence of two rigid levers, slice, crush, or grasp the head, arm, leg, spinal cord,
15 internal organ, or other portion of the unborn child's body to cut or rip it off, regardless
16 if the fetal body parts are removed by the same instrument, suction, or other means.
17 2. Except in the case of a medical emergency, it is a class C felony for an individual to
18 intentionally perform a human dismemberment abortion.
19 3. A woman upon whom a human dismemberment abortion is performed or attempted to
20 be performed in violation of subsection 2 may not be prosecuted for a violation of
21 subsection 2 or for conspiracy to violate subsection 2.

22 **SECTION 2. AMENDMENT.** Section 2 of chapter 132 of the 2007 Session laws is amended
23 and reenacted as follows:

1 **SECTION 2. EFFECTIVE DATE.** This Act becomes effective on the ~~date the~~
2 ~~legislative council approves by motion the recommendation of the attorney general to~~
3 ~~the legislative council that it is reasonably probable that this Act would be upheld as~~
4 ~~constitutional.~~ thirtieth day after:

5 1. The adoption of an amendment to the United States Constitution which, in
6 whole or in part, restores to the states the authority to prohibit abortion; or

7 2. The attorney general certifies to the legislative council the issuance of the
8 judgment in any decision of the United States Supreme Court which, in
9 whole or in part, restores to the states authority to prohibit abortion.

10 **SECTION 3. EFFECTIVE DATE.** Section 1 of this Act becomes effective on the ~~date the~~
11 ~~legislative management approves, by motion, the recommendation of the attorney general to~~
12 ~~the legislative management that it is reasonably probable this Act would be upheld as~~
13 ~~constitutional.~~ thirtieth day after the adoption of an amendment to the United States Constitution
14 which, in whole or in part, restores to the states the authority to prohibit abortion, or on the
15 thirtieth day after the attorney general certifies to the legislative council:

16 1. The issuance of the judgment in any decision of the United States Supreme Court or
17 the United States Court of Appeals for the Eighth Circuit which would allow
18 enforcement of section 1 of this Act; or

19 2. The issuance of the judgment in any decision of the United States Supreme Court
20 which, in whole or in part, restores to the states authority to prohibit abortion.