

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

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 ~~the development of an instructional course by the state board~~
3 ~~of medicine~~ physician continuing education requirements; to amend and reenact section
4 14-02.1-04 of the North Dakota Century Code, relating to limitations on the performance of an
5 abortion; to provide an appropriation; to provide an effective date; and to 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,
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 before the
18 performance of an abortion. This subsection does not apply in the case of a medical
19 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 ~~The board shall develop, in consultation with and with final approval from the attorney~~
27 ~~general, an instructional course on chapters 12.1-19.1, 14-02.1, and 14-02.6 as the~~
28 ~~chapters relate to the practice of medicine. The~~As part of licensure or renewal
29 requirements under this section, the board shall require a physician engaging in the
30 practice of obstetrics to complete thean instructional course as part of licensure or
31 renewal requirements under this sectionon chapters 12.1-19.1, 14-02.1, and 14-02.6

1 as the chapters relate to the practice of medicine. The instructional course must be
2 developed by contract through the office of management and budget, in consultation
3 with and with final approval from the attorney general. This section does not create a
4 right of action against the board by a physician acting upon reliance of the instructional
5 course.

6 **SECTION 3. APPROPRIATION - ~~STATE BOARD OF MEDICINE~~OFFICE OF**
7 **MANAGEMENT AND BUDGET - INSTRUCTIONAL COURSE DEVELOPMENT.** There is
8 appropriated out of any moneys in the general fund in the state treasury, not otherwise
9 appropriated, the sum of \$50,000, or so much of the sum as may be necessary, to the ~~state~~
10 ~~board of medicine~~office of management and budget for the purpose of developing an
11 instructional course on chapters 12.1-19.1, 14-02.1, and 14-02.6 as the chapters relate to the
12 practice of medicine, for the biennium beginning July 1, 2025, and ending June 30, 2027. The
13 contract must be awarded to an individual who is or an organization that includes a physician
14 with a minimum of twenty-five years of experience in the practice of obstetrics in the state, and
15 must be developed with and granted final approval from the attorney general.

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

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