

HOUSE BILL NO. 1489

Introduced by

Representatives Ruby, Bellew, Damschen, Wald

Senators Andrist, Tollefson

1 A BILL for an Act to create and enact a new section to chapter 12.1-16 and a new section to
2 chapter 43-17 of the North Dakota Century Code, relating to the protection of a preborn child
3 and the duty of physicians; and to provide a penalty.

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

5 **SECTION 1.** A new section to chapter 12.1-16 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Intentional termination of human life - Preborn children.** A person is guilty of a
8 class AA felony if the person intentionally destroys or terminates the life of a preborn child. A
9 person that knowingly administers to, prescribes for, procures for, or sells to any pregnant
10 individual any medicine, drug, device, or other substance with the specific intent of causing or
11 abetting the termination of a preborn child is guilty of a class AA felony. A person that
12 intentionally or knowingly aids, abets, facilitates, solicits, or incites a person to intentionally
13 destroy or terminate the life of a preborn child is guilty of a class C felony. For purposes of this
14 section, "preborn child" includes a human being from the moment of fertilization until the
15 moment of birth.

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

18 **Duty of physicians treating pregnant women - Penalty.** Any physician licensed
19 under this chapter who provides health care to pregnant women shall make, in all cases, every
20 effort to preserve both the life of the mother and the life of the preborn child. Medical treatment
21 provided to the mother by a licensed physician which may result in accidental or unintentional
22 injury or death of the preborn child is not a violation of this section. In addition to any penalty
23 imposed under section 1 of this Act, a physician who violates this section is subject also to
24 license revocation under this chapter.