

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 provide a penalty;  
3 and to provide an effective date.

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

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

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

- 8 1. For purposes of this section, "human dismemberment abortion" means intentionally  
9 dismembering ~~a living unborn child~~ and extracting ~~the~~ a living unborn child one piece at  
10 a time from a uterus, with the purpose of causing the death of an unborn child, ~~through~~  
11 ~~use of clamps, grasping forceps, tongs, scissors, or similar instruments that, through~~  
12 ~~the convergence of two rigid levers, slice, crush, or grasp the head, arm, leg, spinal~~  
13 ~~cord, internal organ, or other portion of the unborn child's body to cut or rip it off,~~  
14 ~~regardless if the fetal body parts are removed by the same instrument, suction, or~~  
15 ~~other means.~~
- 16 2. Except in the case of a medical emergency, it is a class C felony for an individual to An  
17 individual may not intentionally perform a human dismemberment abortion unless:
- 18 a. It is a medical emergency.
- 19 b. The procedure is necessary to save the life or health of the pregnant woman.
- 20 c. A physician recommends the procedure.
- 21 d. The procedure is performed to terminate a pregnancy that resulted from gross  
22 sexual imposition, sexual imposition, sexual abuse of a ward, or incest, as those  
23 offenses are defined in chapter 12.1-20.

1        3. A woman upon whom a human dismemberment abortion is performed or attempted to  
2        be performed in violation of subsection 2 may not be prosecuted for a violation of  
3        subsection 2 or for conspiracy to violate subsection 2.

4        **SECTION 2. EFFECTIVE DATE.** Section 1 of this Act becomes effective on the ~~date the~~  
5        ~~legislative management approves, by motion, the recommendation of the attorney general to~~  
6        ~~the legislative management that it is reasonably probable this Act would be upheld as~~  
7        ~~constitutional~~thirtieth day after the adoption of an amendment to the United States Constitution  
8        which, in whole or in part, restores to the states the authority to prohibit abortion, or on the  
9        thirtieth day after the attorney general certifies to the legislative council:

- 10        1. The issuance of the judgment in any decision of the United States Supreme Court or  
11        the Eighth Circuit Court of Appeals which would allow enforcement of section 1 of this  
12        Act; or  
13        2. The issuance of the judgment in any decision of the United States Supreme Court  
14        which, in whole or in part, restores to the states authority to prohibit abortion.