

**FIRST ENGROSSMENT  
with Senate Amendments  
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 thirtieth day  
11                  after the adoption of an amendment to the United States Constitution which, in whole or in part,  
12                  restores to the states the authority to prohibit abortion, or on the thirtieth day after the attorney  
13                  general certifies to the legislative council:

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