

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2150

Page 1, line 1, after "to" insert "create and enact a new chapter to title 12.1 of the North Dakota Century Code, relating to abortions; to"

Page 1, line 1, remove "12.1-31-12,"

Page 1, line 4, after "sections" insert "12.1-31-12,"

Page 1, line 6, after "to" insert "abortions,"

Page 1, remove lines 10 through 23

Page 2, remove lines 1 through 30

Page 3, replace lines 1 through 7 with:

"SECTION 1. A new chapter to title 12.1 of the North Dakota Century Code is created and enacted as follows:

Definitions.

As used in this chapter:

1. "Abortion" means the act of using, selling, or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman, including the elimination of one or more unborn children in a multifetal pregnancy, with knowledge the termination by those means will with reasonable likelihood cause the death of the unborn child. The use, sale, prescription, or means is not an abortion if done with the intent to:
 - a. Remove a dead unborn child caused by spontaneous abortion;
 - b. Treat a woman for an ectopic pregnancy; or
 - c. Treat a woman for a molar pregnancy.
2. "Physician" means an individual licensed to practice medicine or osteopathy under chapter 43-17 or a physician who practices in the armed services of the United States or in the employ of the United States.
3. "Probable gestational age of the unborn child" means what, in reasonable medical judgment, will with reasonable probability be the gestational age of the unborn child.
4. "Reasonable medical judgment" means a medical judgment that would be made by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.
5. "Serious health risk" means a condition that, in reasonable medical judgment, complicates the medical condition of the pregnant woman so

that it necessitates an abortion to prevent substantial physical impairment of a major bodily function, not including any psychological or emotional condition. The term may not be based on a claim or diagnosis that the woman will engage in conduct that will result in her death or in substantial physical impairment of a major bodily function.

Abortion prohibited - Penalty.

It is a class C felony for a person, other than the pregnant female upon whom the abortion was performed, to perform an abortion.

Exceptions.

This chapter does not apply to:

1. An abortion deemed necessary based on reasonable medical judgment which was intended to prevent the death or a serious health risk to the pregnant female.
2. An abortion to terminate a pregnancy that based on reasonable medical judgment resulted from gross sexual imposition, sexual imposition, sexual abuse of a ward, or incest, as those offenses are defined in chapter 12.1-20, if the probable gestational age of the unborn child is six weeks or less.
3. An individual assisting in performing an abortion if the individual was acting within the scope of that individual's regulated profession, was under the direction of or at the direction of a physician, and did not know the physician was performing an abortion in violation of this chapter."

Page 3, line 26, overstrike "or"

Page 3, line 27, after "pregnancy" insert "; or

c. Treat a woman for a molar pregnancy"

Page 6, line 11, overstrike "substantial"

Page 6, line 11, overstrike "physical impairment of a"

Page 6, line 12, overstrike "major bodily function, not including psychological or emotional conditions" and insert immediately thereafter "a serious health risk"

Page 6, line 12, overstrike "A condition"

Page 6, overstrike lines 13 through 15

Page 6, line 30, after "14." insert ""Serious health risk" means a condition that, in reasonable medical judgment, complicates the medical condition of the pregnant woman so that it necessitates an abortion to prevent substantial physical impairment of a major bodily function, not including any psychological or emotional condition. The term may not be based on a claim or diagnosis that the woman will engage in conduct that will result in her death or in substantial physical impairment of a major bodily function.

15."

Page 7, line 1, replace "15." with "16."

Page 9, line 19, remove "section 12.1-31-12."

Page 9, line 29, replace "due to a medical emergency" with "to prevent a serious health risk"

Page 10, line 25, overstrike "avert" and insert immediately thereafter "prevent"

Page 10, line 26, overstrike "for which a twenty-four-hour delay will create grave peril of immediate"

Page 10, line 27, overstrike "and irreversible loss of major bodily function" and insert immediately thereafter "prevent a serious health risk"

Page 10, line 31, overstrike the comma

Page 10, line 31, overstrike "because the continuation of her pregnancy will impose on her a"

Page 11, line 1, overstrike "substantial risk of grave impairment of her physical"

Page 11, line 1, overstrike "health" and insert immediately thereafter "to prevent a serious health risk"

Page 15, line 16, overstrike "After the point in pregnancy when the unborn child may reasonably be expected to"

Page 15, line 17, overstrike "have reached viability,"

Page 15, line 17, remove "an"

Page 15, line 17, overstrike "abortion may be performed"

Page 15, overstrike line 18

Page 15, line 19, overstrike "the life of the woman"

Page 15, overstrike lines 22 through 26

Page 15, line 27, overstrike "concurrence is not required in the case of"

Page 15, line 27, remove "a medical"

Page 15, line 27, overstrike "emergency when the abortion"

Page 15, overstrike line 28

Page 15, line 29, overstrike "4."

Page 16, line 10, overstrike "5." and insert immediately thereafter "4."

Page 16, line 12, overstrike "6." and insert immediately thereafter "5."

Page 21, line 20, after "Sections" insert "12.1-31-12,"

Renumber accordingly