

HOUSE CONCURRENT RESOLUTION NO. 3015

Introduced by

Representatives Wald, Grande, Heller

Senators Erbele, Freborg, Wardner

1 A concurrent resolution urging Congress to reject the bill known as the Freedom of Choice Act,
2 which would invalidate virtually every abortion-related regulation enacted by the people of North
3 Dakota through their elected officials.

4 **WHEREAS**, a bill, cited by its sponsors as the Freedom of Choice Act, now being
5 considered by the Congress of the United States, would invalidate most North Dakota
6 abortion-related regulations, including virtually all of the North Dakota Abortion Control Act,
7 most of which is now recognized as constitutional and within the province of state jurisdiction in
8 light of decisions by the United States Supreme Court; and

9 **WHEREAS**, the Freedom of Choice Act would invalidate the North Dakota informed
10 consent law in its entirety including provisions that give a mother seeking an abortion the right
11 to know the probable gestational age of her unborn child, the name of the physician who would
12 perform the abortion, the particular medical risks associated with the abortion procedure to be
13 used as well as the medical risks associated with carrying the child to term and which give her
14 the right to obtain information about the medical benefits that may be available for her and her
15 child before, during, and after the birth of the child, and objective, scientifically accurate medical
16 facts about the development of the unborn child; and

17 **WHEREAS**, the Freedom of Choice Act would invalidate North Dakota's requirement
18 that a minor seeking an abortion first obtain consent of both parents or authorization of a court
19 before an abortion because the Freedom of Choice Act, on its face, allows a state to require
20 only "parental involvement" such as parental notification, not consent, and would not even allow
21 the state to require mere notification unless the state law also provides each minor the option of
22 consulting an "other responsible adult," thereby circumventing the involvement of a minor's
23 parents; and

24 **WHEREAS**, the Freedom of Choice Act only allows a state to protect unwilling
25 individuals, but not hospitals, from having to participate in the performance of abortion when

1 they are conscientiously opposed, and thus it would invalidate North Dakota Century Code
2 Section 23-16-14, which protects the freedom of hospitals, physicians, nurses, and hospital
3 employees to refuse to make their facilities available for the performance of abortions, or to
4 participate in an abortion, exposing North Dakota's hospitals that refuse to perform abortions to
5 lawsuits seeking to force them to do so against their conscience and protecting health care
6 workers from discrimination in the work place; and

7 **WHEREAS**, North Dakota prohibits the use of tax dollars from being used to pay for
8 abortions on demand, currently taxpayers only pay for abortions that are necessary to prevent
9 the mother's death or where the pregnancy has resulted from rape or incest, the Freedom of
10 Choice Act would require tax funding of abortion on demand even when used as a form of birth
11 control; and

12 **WHEREAS**, because the Freedom of Choice Act would require a state to prove that any
13 health regulation of abortion is "medically necessary" to protect the health of women
14 undergoing such procedures, those provisions in North Dakota's Abortion Control Act requiring
15 the filing of consent forms, the reporting of complications, and the maintenance of patient
16 records would be held to a higher scrutiny in determining their validity than North Dakota record
17 requirements for other medical procedures; and

18 **WHEREAS**, the Freedom of Choice Act would invalidate the North Dakota requirement
19 that only licensed physicians perform abortions, the Freedom of Choice Act invites litigation to
20 strike down a physician requirement on the basis that it is not "medically necessary" that
21 physicians, as opposed to other trained personnel, perform abortions; and

22 **WHEREAS**, the Freedom of Choice Act would make the brutal partial-birth abortion
23 method legal again;

24 **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES**
25 **OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

26 That the Sixty-first Legislative Assembly urges the Congress of the United States to
27 reject the bill known as the Freedom of Choice Act, which would invalidate virtually every
28 abortion-related regulation enacted by the people of North Dakota through their elected officials
29 and to reject any component of the Freedom of Choice Act contained in other legislation; and

30 **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this
31 resolution to each member of the North Dakota Congressional Delegation.