

Human Services Committee  
HB 1373  
February 5, 2025

Dear Chair Ruby and members of the Committee,

My name is Kelsey Lubbers, and I moved to North Dakota ten years ago. My husband, Jon, has spent his entire life here. We write to you today from a place of vulnerability to express our strong opposition to House Bill 1373.

Jon and I married in June 2020 and immediately began trying to grow our family. After 14 months of heartbreak, we sought help from a fertility clinic. Following nearly two years of treatment without success, we turned to IVF. In November, we welcomed our son into the world. Without access to quality care and the freedom for our doctors to perform their jobs without restriction, we would still be childless. If HB 1373 passes, we may be unable to grow our family and provide our son with future siblings.

As proud parents of an IVF baby, we plan to continue growing our family with the help of our clinic. We currently have five frozen embryos but only plan to have one more pregnancy. If we are fortunate enough to have another successful transfer, will we be considered criminals for making decisions about the remaining embryos? IVF is a scientific process, but it's not perfect. Losses and unforeseen circumstances are a part of both IVF and natural conception. No one undergoes IVF hoping for an unsuccessful transfer. By the time we reached our embryo transfer, we had spent tens of thousands of dollars on treatments, medications, and supplies. I took medication to manipulate my menstrual cycle for optimal implantation conditions, had a week of daily injections to prepare my body prior to the transfer, and faced an agonizing nine-day wait for a pregnancy test while continuing injections. Once we were blessed with a positive pregnancy test, we continued daily injections for a grueling nine weeks. Families endure this process to create life, not to end it.

Infertility is isolating, heartbreaking, and deeply personal - a struggle no one chooses. Adding political interference to this already painful journey is unimaginable. Our clinic is facing a shortage of doctors, and this bill would make North Dakota even less attractive to medical professionals. HB 1373 will cause more harm than good for our state.

The bill's vague language leaves too much room for interpretation. While its intent may be to prevent abortion, such legislation cannot be one-size-fits-all. Under HB 1373, if we experience a failed embryo transfer, our doctor could face homicide charges. The idea that a medical professional dedicated to helping families conceive could be labeled a criminal for a failed procedure is mind-boggling.

Consider some other possible implications: What about a woman whose life is at risk unless she terminates her pregnancy? This legislation prioritizes the unborn child over the living woman. What about a 14-year-old girl who has been abused and is now pregnant? As a mother, I cannot fathom the trauma she would endure being forced to carry that pregnancy. What about the family carrying an unborn child who has no chance of viability outside of the womb? Again, as a mother, I cannot fathom carrying out a pregnancy and delivery knowing I wouldn't be able to bring my child home. These heartbreaking scenarios highlight why politics should not dictate medical decisions. Imagine

if it were your sister, friend, or daughter. Would you want them to face legal obstacles or be forced to seek care out of state to save their life?

We love North Dakota and want it to remain a state that values families and the care often needed to create them. Infertility is a harsh reality for many. Please help protect the ability of North Dakotans to build their families through science and compassionate medical care. **We urge you to vote against HB 1373.**

Sincerely,  
Kelsey and Jon Lubbers