

4th of February, 2025

RE: Opposition to House Bill 1373

Chairman Ruby and Members of the Committee,

My name is Emily Lindquist. I am a lifelong North Dakota resident and I am testifying in **opposition to HB 1373**.

HB 1373 defines an unborn baby as a person as soon as sperm fertilizes an egg. But the creation of life isn't that simple.

I have 6 dead children. All of whom were conceived naturally and died within the first 12 weeks of pregnancy. For some reason, my body does not sustain pregnancy. I've had countless procedures and tests done over the past four years to figure out why, but no specialist or medication has been able to keep me pregnant.

Instead of continuing to try naturally over and over again knowing we will likely lose every baby we naturally conceive, my husband and I plan to utilize IVF with a gestational carrier for our next pregnancy. But that will be illegal under this bill. If this bill becomes law, I will never hold my living baby.

Think about that—I can continue conceiving naturally as often as I want knowing I will likely lose every baby without any repercussions under this bill, but the process that will create life with a lesser amount of loss will be against the law.

The Representative who wrote the bill states that the core of IVF will remain legal, referring to the creation, freezing and transferring of embryos.* The reason IVF will be illegal is because this bill includes zero protection for the true process.

My doctor retrieved 26 eggs during my retrieval. All of those eggs were placed with sperm to fertilize. Of my 26 eggs retrieved, 18 were fertilized.

Think about a natural pregnancy for a second. Sperm travels through the women's body to fertilize an egg, typically happening in the fallopian tube. The fertilized egg then travels through the fallopian tube to the uterus, where it will hopefully implant. The entire journey usually takes about 5 days.

In IVF, the same 5 day window is required—but instead of traveling through the body during that time, the fertilized egg is growing in the lab. Under HB 1373, any fertilized eggs that do not continue growing for those 5 days will be considered wrongfully destroyed, and the medical team who is only helping to create life could face criminal charges.

In natural conception, if the fertilized egg doesn't make the journey to the uterus or if it does not successfully implant, the woman just doesn't become pregnant. Nobody is considered at fault nor do they face any charges, even though the outcome is the same.

However, if the transfer of an embryo to a uterus is done during IVF and the embryo doesn't successfully implant, the medical team again could face serious criminal charges.

But this bill doesn't just affect IVF.

Under House Bill 1373, abortion will be illegal without any exceptions. That means if a girl or woman is pregnant because of rape or sex trafficking, she will be forced under law to continue the pregnancy.

When I was a young girl, I was repeatedly sexually assaulted by a male member of my extended family. Thankfully, I was not raped. But if this bill was a law at the time and if I had been raped and became pregnant, I would've had no choice but to continue a dangerous incestuous pregnancy. Then, I would've had to choose between placing my child for adoption or raising them with the constant reminder of the boy who harmed me.

In her public statement after proposing the bill, the Representative who wrote it talks a lot about God and how she is enforcing God's mandate to establish impartial judgement. I'm unsure why she feels she needs to do God's work, but we should trust God to take care of His will. She wrote "every preborn baby is known by God before being formed in their mother's womb".** I am a Christian and I agree that He does. So who is the government to decide what God has planned? Under HB 1373, the government will actually prevent God's will for families in North Dakota.

Personal beliefs should not become law. YOU don't have to utilize IVF if it opposes your religion. YOU don't ever have to ever end a pregnancy if you think it's wrong. But you never know what you would do in a situation until it becomes your reality. The government shouldn't get to take the choice away from women and families who are faced with the decision.

Recommending **Do Not Pass** on this bill does not make you pro-abortion. It does not mean you are against the criminalization of someone who murders or harms a baby in the womb. It does not mean you don't value the lives of unborn children. Recommending **Do Not Pass** means that you understand there is too much gray area with this bill, and that you are protecting the citizens you were chosen to serve by allowing us the choice to do what is right for *us*.

Nobody values the lives of the unborn more than parents who have experienced loss or infertility. Today we are fighting for their lives. I ask you to fight with us, for the future of North Dakota and for our children, by recommending **Do NOT Pass on House Bill 1373**.

Thank you for your time and consideration of all scenarios impacted by this bill. I welcome questions via email.

Respectfully,

Emily Lindquist
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Sources referenced in testimony on subsequent pages.

* Proposer's comment on "the core of the IVF process" remaining legal



Lori Miska-VanWinkle

[Braden Lindquist](#) friends, I hope to calm your concerns, but this bill does not ban IVF. The core of the IVF process is creating embryos, freezing them, and then implanting them. All three of those steps remain completely legal under the bill. What would not be legal under this bill is intentionally destroying the embryos either in the lab or through selective reduction. It would help ensure that the IVF industry implements a proper standard of care for human beings and continues to help couples practice 'ethical IVF' where no embryos are intentionally discarded or destroyed in the process.

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Today I filed HB 1373 to provide equal protection under the law to every preborn child in North Dakota. Please read my full statement below:

Representative Lori VanWinkle Files Bill of Equal Protection for the Preborn of North Dakota

Bismarck, ND - State Representative Lori VanWinkle has filed the North Dakota Prenatal Equal Protection Bill, House Bill 1373, which would provide equal protection under the law to all preborn children.

HB 1373 is co-sponsored by State Representatives Matt Heilman, Donna Henderson, Daniel Johnston, Jeff Hoverson, Desiree Morton, Doug Osowski, Nico Rios, and Christina Wolff. Senators Jose Castaneda, David Clemens and Desiree Van Oosting also co-sponsored the bill.

"Every preborn baby is known by God before being formed in their mother's womb; therefore, every baby is human and deserves to be equally protected by laws that express our dignity and worth," said State Representative Lori VanWinkle.

Abortion is the greatest human rights violation of our time and remains a major problem in North Dakota despite the passage of well-intended pro-life laws. In 2023, over 1,000 North Dakota babies were killed by abortions that remained legal under current North Dakota law. 780 babies were aborted out of state¹ and an additional estimated 221 used of the abortion pill to legally perform self-managed abortions on North Dakota soil².

While current North Dakota abortion law largely prohibits abortionists from performing surgical abortions inside the state, it is still completely permissible for pregnant mothers to obtain the easily-accessible abortion pills with the intent of ending the life of their pre-born child. Thus, North Dakota law denies equal protection under the law to the most vulnerable among us, those in their mother's womb. HB 1373 ensures that we are not allowing one class of people (pregnant mothers) to deny another class of people (their preborn children) their right to life. HB 1373 simply extends the same laws that already protect born people from murder, assault, and wrongful death, to the preborn.

The U.S Constitution and the North Dakota constitution are clear that life is to be protected. The Equal Protection Clause of the 14th Amendment reads, "No state shall deny to any person within its jurisdiction the equal protection of the laws." Article 1 in our North Dakota Declaration of Rights states, "All individuals are by nature free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty;...pursuing and obtaining safety and happiness;..., which shall not be infringed." Failure to pass HB 1373 would violate both our state and federal constitutions as well as God's mandate to establish impartial justice. In addition, the 10th Amendment is clear that the States do not have the power or authority to redefine Constitutional provisions, which emphasizes the need for legislators to end abortion in our state.

In addition to giving preborn babies their constitutionally-required legal protections, HB 1373 would protect mothers from sex traffickers, pimps, and other abusers who would use the legality of self-managed abortion in North Dakota to coerce vulnerable women into an abortion.

North Dakota has an historic opportunity to abolish abortion completely by establishing equal justice under the law for the most discriminated and vulnerable among us: the preborn child. Please join us in supporting HB 1373.

¹ The Guttmacher Institute

² <https://faa.life/sma>, Journal of the American Medical Association