

House Bill No. 1373
Sixty-ninth Legislative Assembly of North Dakota
Submitted by Benjamin Myhre
Chairperson and members of the committee,

I submit this written testimony to express my opposition to House Bill 1373, which seeks to redefine human being and person within North Dakota law to include an unborn child from the moment of fertilization. While the bill's intent is clear, its broader legal, medical, and ethical implications demand careful scrutiny.

Legal Implications and Unintended Consequences

This bill proposes a fundamental shift in North Dakota law by granting personhood status to an unborn child at fertilization. Such a definition carries significant legal consequences, particularly in criminal and civil cases involving pregnancy loss, medical care, and reproductive rights.

By expanding the definitions of murder, assault, and wrongful death to include an unborn child, HB 1373 introduces new avenues for prosecution and civil litigation. While exceptions are made for unintentional harm caused by medical procedures, the language is ambiguous. How will this bill impact the practice of medicine, including emergency procedures to save a mother's life? Will it create legal uncertainty that forces medical providers to second-guess necessary care?

Further, this legislation could conflict with existing constitutional protections. Similar laws in other states have faced legal challenges, leading to costly litigation. North Dakota should consider whether it is prepared for such legal battles and the unintended financial burden on the state.

Impact on Healthcare and Maternal Rights

The broad definition of personhood in this bill has the potential to complicate medical care for pregnant individuals and increase legal risks for healthcare providers. The inclusion of an unborn child in wrongful death statutes could lead to a chilling effect in maternal-fetal medicine, emergency obstetric care, and fertility treatments like in vitro fertilization (IVF).

Additionally, while the bill excludes unintentional pregnancy loss due to miscarriage, its broader implications raise concerns about the potential criminalization of pregnancy outcomes. In states with similar laws, pregnant individuals have faced legal scrutiny for pregnancy losses, even when no wrongdoing was involved. This is an overreach that could harm families at a vulnerable time.

House Bill 1373 attempts to establish new legal definitions regarding personhood, but in doing so, it creates uncertainty in medical practice, raises constitutional concerns, and could negatively impact pregnant individuals and healthcare providers alike.

For these reasons, I respectfully urge the committee to oppose House Bill 1373 and consider the far-reaching consequences of such a legal change.

Thank you for your time and consideration.

Ben Myhre