

House Bill 1373: Testimony in Opposition to Personhood

from Rep. Karla Rose Hanson
House Human Services Committee - 2/5/25

Chairman Ruby and members of the House Human Services Committee,

I'm Rep. Karla Rose Hanson from District 44. I'm testifying in opposition to House Bill 1373.

HB 1373 is known as personhood legislation. It seeks to change the legal definition of a human being in North Dakota's murder and assault criminal statutes and wrongful death civil statute -- by saying a human being is legally a person from the moment of fertilization.

If passed, this personhood bill would have broad and negative ramifications related to health care, taxpayer-funded litigation, religious liberty, and legal consistency.

Restrictions on Pregnancy and Miscarriage Care: HB 1373 aims to ban nearly all abortions. There are narrow exceptions for diagnostic testing and miscarriage. It also includes an exception when saving the life of the pregnant person, but only if there are "reasonable" steps to save the life of the unborn child. That raises questions about how a health care provider would handle pregnancy complications and emergencies. For example, there isn't an exception for ectopic pregnancies - which are never viable and can result in the death of the pregnant person.

While miscarriage is listed as an exception, many women -- including myself, twice -- have experienced *incomplete* miscarriages, which can endanger your life and health without medical treatment. Doctors will hesitate to provide prompt care, waiting until women are near death, because they will fear a murder or assault charge under this law.

Restrictions on Infertility Care: Personhood legislation also makes the practice of in vitro fertilization (IVF) impossible. Hundreds of North Dakotans have used IVF to build their families after facing the challenges of infertility. This bill would take away their opportunity to realize their dreams of having a child through the miracle of medical science.

Impacts to Healthcare Workforce. It is already difficult to recruit and retain health care providers to North Dakota, especially in rural areas. If HB 1373 passes, doctors will fear being charged with murder or assault and not want to work in North Dakota. As a result, the maternal health care deserts in our state will only get worse.

Legal fights waste more taxpayer dollars. Passing HB 1373 will result in additional expensive litigation.

As background, the U.S. Supreme Court overturned Roe v Wade in 2022. Several courts blocked ND's resulting trigger ban from taking effect while litigation proceeded. In March 2023, the ND Supreme Court blocked the trigger ban. [The ND Supreme Court's ruling](#) said women have the fundamental right to obtain an abortion to preserve her life *or her health*.

In 2023, the ND Legislature replaced the trigger ban by passing SB 2150, a near-total abortion ban. That law was [struck down by the court as unconstitutional](#) in September 2024. The state is appealing the decision to the ND Supreme Court, which recently blocked the law from being in effect while the case proceeds.

ND has spent \$800,000 *so far* defending these abortion laws. Because HB 1373 is even more extreme than SB 2150 and directly conflicts with the 2023 Supreme Court ruling, it will certainly result in further litigation. Let's not waste even more taxpayer dollars by passing this bill.

Infringement on religious liberty. When does a soul or spirit enter a physical being? There are a wide range of deeply held beliefs regarding ensoulment, so, as a result, religions have a range of nuanced views on abortion. Not every faith holds the belief that personhood begins at conception or fertilization. For example, in the Jewish faith, a fetus is viewed as part of the pregnant person's body. It is not viewed as an independent person until its first breath, which allows the soul to enter the body.

By passing HB 1373, we are imposing one religious view on all North Dakotans, infringing on the religious liberty of people who don't believe that personhood begins at fertilization.

Lack of consistency. HB 1373 gives an embryo and fetus the same legal rights as you and me, but only in the context of three specific statutes - murder, assault and wrongful death. If one believes that the unborn deserve equal protection under the 14th amendment, why doesn't the bill re-define human being across ALL state laws? For example, why shouldn't an embryo be counted as a tax dependent or receive child support?

Too extreme for ND. Finally, since personhood legislation has so many negative consequences, this extreme law is simply out of step with North Dakotans' views.

In 2014, North Dakota voters had the opportunity to amend the state constitution to say that "the inalienable right to life of every human being at any stage of development must be recognized and protected." This personhood ballot measure lacked any exceptions, and

doctors said it would [end IVF in North Dakota](#). Because of these and other concerns, the personhood measure was soundly defeated with 64% of North Dakotans voting no.

More recently, a [poll in November 2024](#) revealed that 55% of North Dakotans oppose the state's near-total abortion ban (SB 2150). That law includes a very narrow exception for pregnancies that result from rape and incest - but only within the first six weeks, before most women know they are pregnant. The bill before you today is even more restrictive than SB 2150.

In summary

If HB 1373 becomes law, it would put women's lives and doctors' livelihoods at risk because it would restrict pregnancy and miscarriage care. It would erase the dreams of many hopeful parents by ending IVF in our state. And it would infringe on religious beliefs and waste even more taxpayer dollars on lawsuits.

Mr. Chairman and members of the committee: People should have the right to make their own deeply personal decisions about if, when and how they build their families -- without interference from us as politicians. Please give HB 1373 a Do Not Pass recommendation. Thank you.