

Testimony HB 1391

February 4, 2025

Legislative Assembly of North Dakota

Thank you for the opportunity to offer my testimony in Support of HB1391, creating an additional definition of a protected status to prevent discrimination against individuals based on their *health status*, and upholding basic Constitutional human rights. While our current laws and Constitution should fundamentally provide this protection already, the grievous discrimination and harms: mental, emotional, physical, and financial, of the overreach of covid policies prove that there is a dire need for this clarification in our statutes.

My name is Rita Ludemann, and I am a sociologist and Licensed Social Worker. I am also a parent of three children, and caregiver to elderly and frail parents. During the season of covid our family suffered greatly under this lack of protection of our human rights. It is very clear now, in hindsight, how unreliable the so-called experts in position of authority were during this time in prescribing unfounded and untested experimental practices upon the over-reaching presumption of public health protection.

I, and numerous members of our family, were advised of the risks to our health if we wore face masks. Despite the fact that our personal freedom to choose or not choose to wear a mask should never have been at question, we did go to the expense of processing this issue with our personal physician and obtaining mask exemptions. These exemptions were not honored in public spaces so that we could shop and go about our daily needed business. We were frequently harassed and denied service.

The extreme discrimination in the public schools was even more abhorrent and unexpected. My son, who had by his principal been declared someone whom “everyone in the school loves,” became an object of hate and derision, and even a scapegoat. Despite not having a communicable disease while attending school in that season, he was called “disease boy,” among many other names. It was explained to him that if he came to school without a mask, another child may carry covid home and kill grandpa or grandma. While other students sat in touching desks, he sat alone. He was excluded from group projects, handed a jump rope while group games occurred at gym class, and sat in the hall or corner during music class. The crowds parted when he walked the hall. The treatment he received was clearly school-sanctioned bullying, creating an environment of moral superiority for those compliant students, akin to civil rights segregation. This poisonous environment became the norm, quickly and dangerously adopted, as was demonstrated by the Blue-eyed/brown-eyed experiment of that era. Despite numerous attempts to reconcile the situation with every professional he was in contact with the school, numerous administrators, up to and including the superintendent, and multiple pleas to the school board, the discrimination intensified. A health professional on the school board with no personal knowledge of his situation declared that no one ever had a valid reason for a mask-exemption. A recorded session of the

school board revealed their concern, not for his well-being or education, but for further segregating him from other students. Discrimination and sanctified bullying of this type should never be allowable in our country or state, much less mandated due to an individual's medical needs or choices as related to their health. The repercussions have been far-reaching: a once-confident and warm child has experienced repeated fears of rejection, his grades and subsequent learning were affected and reflected in lower standardized test scores, and the avoidant behavior subsequent to the discrimination resulted in a high level of tardiness and absenteeism, all culminating in rejection from an area private school. Health challenges, or the personal free choice to direct choices regarding future welfare or treatment should never result in this sort of inequitable treatment.

In addition, there was a great deal of discriminatory practice within the health care system itself. In 2020 my mother required surgery for a fifth cancer. My sister and I, a cardiac care nurse, were integrally involved in her care and careful feeding, at every single appointment or procedure. Due to unsubstantiated covid related strategies, we were discriminated against and initially separated from her during recovery, so we could not watch over her care. Knowing her multiple medication sensitivities and having previously watched her suffer from medical error-related harm, numerous attempts were made to communicate with staff. Despite this, she was administered the wrong medication which resulted in a critical health crisis, numerous additional surgical procedures, and the accepting of an imminent potential loss of life. We remained in the hospital with her from that time 24 hours/day, assisting with her feeding and care, at great loss to our own and children's wellbeing. It was a direct result of the discriminatory policy, when we carried no communicable disease. She has since lost half her jaw and subsists on tube feeding. While in the hospital with her, we faced near-constant harassment from the hospital staff and administration, interfering with our right to support our mother in the self-direction of her health care and support her optimal wellbeing.

I do wish I could more fully communicate to you the details of the suffering done due to discriminatory practices carried out with no protections. This should never be so in our great country, which has fought for the fundamental human right to pursue our own path to life, liberty and the pursuit of happiness—happiness, which necessitates the freedom to choose well-being and health. The Nuremberg Code, born of the atrocious health experiments of the Nazi regime, protected humans from being subjected to medical experimentation and unwanted procedures or testing. The right to be protected from discrimination based on those choices is the only way to prevent societal factors from creating an undeniable level of coercion, even if it is not at the end of the barrel of a gun. Yet here, in North Dakota, such basic rights were violated. Please codify this clarification by passing HB 1391 to protect the citizens of your state from facing such discrimination again.

Respectfully,

Rita Ludemann

Note, as defined in the bill "Health status" means an individual's medical records or preferences relating to the right to refuse a medical procedure, treatment, injection, device, vaccine, or prophylactic.