

# HB 1478 - Protecting access to contraception

Rep. Karla Rose Hanson  
House Human Services Committee - 1/29/25

Chair Ruby and members of the House Human Services Committee,

My name is Karla Rose Hanson, and I represent District 44. Today I bring to you HB 1478, which aims to protect contraceptive health care rights.

In short, this bill defines contraceptives in state law and says that patients have the right to receive, and health care professionals have the right to provide, contraception without interference from state or local government entities.

The bottom line is: let's keep the government out of your doctor's office.

## **Definitions:**

The first page and a half of the bill provides definitions for contraceptives and other terms.

Contraceptives are birth control. They help prevent unplanned pregnancies.

Contraceptives are also used to treat and prevent a wide variety of serious medical conditions. Examples are uterine and ovarian cancers, endometriosis, polycystic ovarian syndrome (PCOS), ovarian cysts, heavy bleeding, migraines, premenstrual syndrome (PMS), premenstrual dysphoric disorder (PMDD - a severe form of PMS), acne and more.

Ironically, contraceptives are also used by patients experiencing infertility. For example, a patient with PCOS may use birth control to achieve regular cycles for infertility treatment.

A wide range of contraceptives exist, including barrier and hormonal methods.

The bill clarifies that contraceptives **do not** include drugs that cause abortion. Specifically, the drugs mifepristone and misoprostol are used to end a pregnancy or manage an incomplete miscarriage. Because they are used for an established pregnancy, not to prevent a pregnancy, they are not contraceptives.

At a minimum, I urge this committee to add the definition of contraceptives to state law. People sometimes conflate products use to prevent pregnancy with products used to end pregnancy, and it is important to clarify that there are two separate categories.

## **Rights:**

The next section of HB 1478 outlines the rights related to contraceptive health care.

The bill says that patients have the right to receive contraceptives, health care professionals have the right to provide contraceptives, insurance providers have the right to

cover contraceptives, and manufacturers have the right to create contraceptives -- all without restrictions from state and local governments.

That means that the state legislature could not pass a state law that creates barriers for patients, doctors, insurance providers or manufacturers related to contraceptives. It also means that state agencies could not implement administrative rules that have the force of law that interfere with these rights. And it means that political subdivisions like city and county commissions could not implement a policy that impedes these rights - for example, restrictions on the public health entities they oversee.

This bill does NOT require health insurance companies to cover these services. Rather, it says that the government can't prohibit insurance companies from offering coverage.

### **Penalties/Exceptions:**

The next section of the bill outlines what happens if the government does violate these rights. It says that the state attorney general or the person adversely affected by the policy, including a patient or a health care provider, can bring a civil lawsuit to restore those rights. This is a civil process, not a criminal one.

### **Amendments**

I would like to offer two small amendments to help clarify the intent and scope of this bill related to Medicaid. In the copy of the amendment, these are on Page 3, lines 1 and 24.

### **Why is this needed?**

Contraception is an essential part of health care, used to prevent and treat a wide variety of medical conditions. Any restrictions on access to contraception would make it more difficult for the many North Dakotans who have uterine and ovarian cancers, PCOS, endometriosis, ovarian cysts and other conditions that require medical treatment.

Contraceptives also prevent unplanned pregnancies. Roughly half of all pregnancies are unplanned. Some unplanned pregnancies will end in abortion. Increasing access to contraceptives has been proven to decrease the rate of unplanned pregnancies and the rate of abortion. If you want to see fewer abortions, we should prevent barriers to contraception access so there are fewer unplanned pregnancies.

After Roe v Wade was overturned, our abortion laws have been considered by the legislature and the courts. During this time, my constituents have expressed deep concern about their ability to access other types of reproductive health care, including contraception. They have seen other states attempt to include specific types of contraception in their abortion bans. North Dakotans want assurance that they'll be able to access contraception without interference from the government.

Mr. Chairman and members of the committee, I ask that you make those two small amendments and give HB 1478 a do-pass recommendation. Let's keep the government out of our doctors' offices and protect North Dakotans' access to contraception.