

North Dakota House advances bill revising abortion laws in wake of high court ruling

JACK DURA Apr 17, 2023 0

1 of 2



State Rep. Karen Rohr, R-Mandan, left, and Rep. Gretchen Dobervich, D-Fargo, speak in the House chamber on Monday immediately after the vote on Senate Bill 2150, dealing with North Dakota's abortion laws. Both spoke on the bill and took opposite sides on the issue, and Rohr said, "We were just talking about the respect we have for each other."

TOM STROMME, TRIBUNE



JACK DURA

North Dakota lawmakers have all but finalized proposed revisions to the state's abortion laws.

The House of Representatives on Monday passed Senate Bill **2150** by Sen. Janne Myrdal, R-Edinburg, in a 76-14 vote, sending it back to the Senate for concurrence with amendments. The Senate in January had passed the bill, 43-4.

Myrdal told the Tribune she expects the Senate to agree with the changes and send the bill to Gov. Doug Burgum.

Post-ruling

The final revisions came in the wake of a state Supreme Court ruling last month that upheld a temporary block of the state's abortion ban.

"Part of it was to try to help address the Supreme Court ruling that didn't exactly come out in favor of North Dakota's current abortion laws, so I think this better helps clarify things," House Human Services Committee Chair Robin Weisz, R-Hurdsfield, told the panel last week.



Weisz PROVIDED

People are also reading...

- 1 **Tuesday Morning is going out of business and closing all of its stores**
- 2 **North Dakota Badlands bighorns and sheep licenses at record levels again this year**
- 3 **North Dakota's paddlefish snagging season underway**
- 4 **Reduced charge for man who allegedly ran over North Dakota teen**

Myrdal has said the bill is to clear up language in the state's 2007 trigger ban and 2013 "heartbeat bill" in the wake of the U.S. Supreme Court overturning the constitutional right to an abortion last year.

The court's Dobbs decision triggered North Dakota's ban, which prohibits virtually all abortions, but is temporarily blocked in state district court.

The "heartbeat bill" bans abortions as soon as a fetal heartbeat is detected -- as early as six weeks, when some women don't yet know they're pregnant -- "except when a medical emergency exists that prevents compliance" with the law. Attorney General Drew Wrigley is appealing a federal block on the law in the wake of the Dobbs decision.

The House Human Services Committee had passed out Myrdal's bill for a House vote last month, just before the state Supreme Court **ruling** that upheld a district court judge's temporary block of the state's abortion ban.



GOVT-AND-POLITICS
North Dakota Supreme Court upholds temporary block of state's abortion ban
JACK DURA



GOVT-AND-POLITICS
North Dakota Senate passes bill revising abortion laws
JACK DURA

The House panel reconsidered the bill and amended it Thursday, nearly a month after the ruling in the lawsuit brought by the Red River Women's Clinic in Fargo. North Dakota's lone abortion clinic moved to Moorhead, Minnesota, where abortion is still legal, following the Dobbs decision.

Weisz told the committee the amendments were "to help clean up, clarify a few things to try to make the law, the current 2150 to reflect some of the Supreme Court ruling."

The clinic despite its move to Minnesota is still challenging North Dakota's trigger law, which would ban virtually all abortions but for cases of rape and incest, and to protect the life of the mother.

The lawsuit continues in state district court after the state Supreme Court's ruling. Chief Justice Jon Jensen wrote in the court's majority opinion that "The North Dakota Constitution guarantees North Dakota citizens the right to enjoy and defend life and the right to pursue and obtain safety, which necessarily includes a pregnant woman has a fundamental right to obtain an abortion to preserve her life or her health."

Myrdal said the Supreme Court "decided to be legislators, to create or innovate a right in the constitution for the word 'health.'"

Wrigley last month **blasted** the ruling, saying the court "chooses a path of its very own, by holding there is now also an un-defined 'health' exception to abortion regulation."

Under the abortion ban, doctors could be charged with a Class C felony for performing an abortion during medical emergencies and in cases of rape or incest, but they could argue in court that the affirmative defenses for rape, incest and protection of the life of a mother outlined in the law protect them from criminal liability.

The bill would change the ban's affirmative defenses into exceptions, which supporters say would take the legal burden off medical providers.

The bill also would allow for abortions for rape and incest, but only before six weeks gestation. Myrdal has said "this was already law, no changes."

The House panel rejected amendments by Rep. Gretchen Dobervich, D-Fargo, to change the six weeks to 12 weeks for "a woman who has been the victim of sexual violence in which a pregnancy results," and to include mental health in the bill's definition of health.

Myrdal's bill also would allow for treatment of ectopic pregnancies, a dangerous, nonviable scenario in which a fertilized egg implants outside the uterus, and molar pregnancies, a nonviable, rare complication involving a tumor forming in the uterus.

The House amendments create a new chapter in state law for the bill, allow for the treatment of molar pregnancies, and redefine a "medical emergency" as a "serious health risk."

Debate

Several House Democrats opposed the bill, citing a 2014 statewide vote rejecting a measure to etch personhood rights "at any stage of development" into the state constitution, as well as the bill's impact on impregnated rape victims, its perceived infringement on religious rights, and the likelihood for further litigation.

"The people in this room do not belong in what is meant to be between a woman, her doctor, and if she so chooses, led by her faith and the support of her family," said Rep. Jayme Davis, D-Rolette.

Republicans said the issue comes down to "life" and standing for unborn children.

Rep. Dan Ruby, R-Minot, told the House, "This is a time that we have a chance to clean up language in our law, make some improvements to it, adjust to it due to the nature of what we did before the overturning of Roe v. Wade to what is being done now."

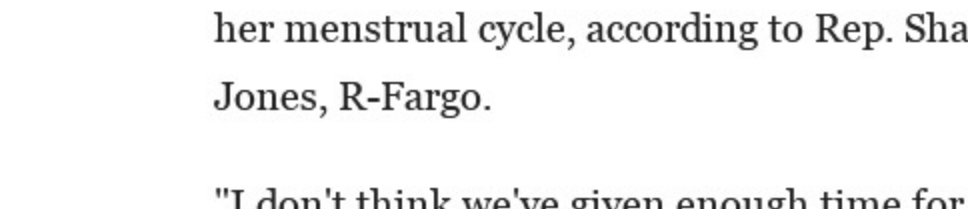
The Dobbs decision overturned the constitutional right to an abortion established in Roe v. Wade in 1973.

Rep. Lori VanWinkle, R-Minot, said, "This is a law of God, and there is no law that can be a legitimate law that goes against God's law, and it's his law that says life is valuable, and we must uphold that."

Some House Republicans said the bill's six weeks provision is insufficient.

There is little time for someone who has been sexually assaulted to know she is pregnant and decide about an abortion in as little as one to two weeks of being late in her menstrual cycle, according to Rep. Shannon Roers Jones, R-Fargo.

"I don't think we've given enough time for someone who is a victim of a sexual assault to know that they're pregnant and to make a decision that has lifelong impacts for them," she told the House. Some rape victims can be girls as young as 10, she added.



House Majority Leader Mike Lefor, R-Dickinson, said, "We're speaking for those who can't speak for themselves. We need to protect their rights, too. At the end of the day, we passed a trigger law in 2007, and I have no idea why the North Dakota Supreme Court is legislating ... so we're going to send another message to the North Dakota Supreme Court. This is what this Legislature wants. We want pro-life in North Dakota."

Weisz's committee had given the bill a 10-2 "do pass" recommendation. Myrdal said the bill didn't change "radically," and is in a final form to go to the governor.

The Legislature this session also is handling numerous bills to aid

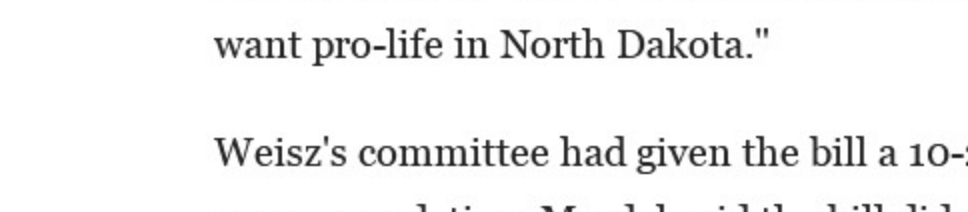


Rep. Eric Murphy, R-Grand Forks, called six weeks "a pretty narrow standard ... especially in a woman who may have been raped, may have (become pregnant due to) incest, and frankly may not even know they're pregnant. It's a traumatic time for those individuals, and that trauma may continue for years."

House Majority Leader Mike Lefor, R-Dickinson, said, "We're speaking for those who can't speak for themselves. We need to protect their rights, too. At the end of the day, we passed a trigger law in 2007, and I have no idea why the North Dakota Supreme Court is legislating ... so we're going to send another message to the North Dakota Supreme Court. This is what this Legislature wants. We want pro-life in North Dakota."

Weisz's committee had given the bill a 10-2 "do pass" recommendation. Myrdal said the bill didn't change "radically," and is in a final form to go to the governor.

The Legislature this session also is handling numerous bills to aid

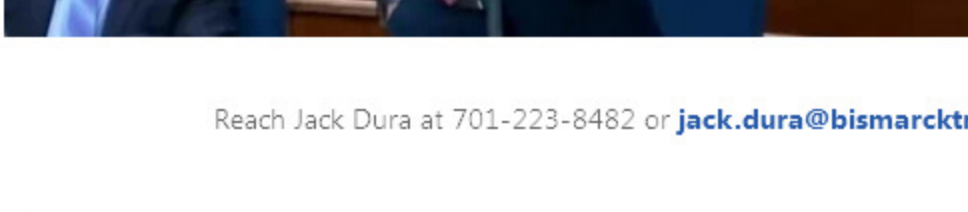


Rep. Eric Murphy, R-Grand Forks, called six weeks "a pretty narrow standard ... especially in a woman who may have been raped, may have (become pregnant due to) incest, and frankly may not even know they're pregnant. It's a traumatic time for those individuals, and that trauma may continue for years."

House Majority Leader Mike Lefor, R-Dickinson, said, "We're speaking for those who can't speak for themselves. We need to protect their rights, too. At the end of the day, we passed a trigger law in 2007, and I have no idea why the North Dakota Supreme Court is legislating ... so we're going to send another message to the North Dakota Supreme Court. This is what this Legislature wants. We want pro-life in North Dakota."

Weisz's committee had given the bill a 10-2 "do pass" recommendation. Myrdal said the bill didn't change "radically," and is in a final form to go to the governor.

The Legislature this session also is handling numerous bills to aid

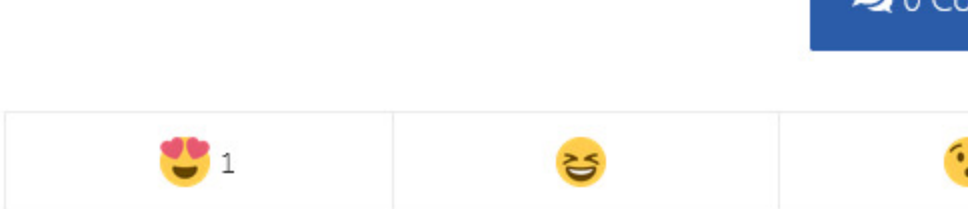


Rep. Eric Murphy, R-Grand Forks, called six weeks "a pretty narrow standard ... especially in a woman who may have been raped, may have (become pregnant due to) incest, and frankly may not even know they're pregnant. It's a traumatic time for those individuals, and that trauma may continue for years."

House Majority Leader Mike Lefor, R-Dickinson, said, "We're speaking for those who can't speak for themselves. We need to protect their rights, too. At the end of the day, we passed a trigger law in 2007, and I have no idea why the North Dakota Supreme Court is legislating ... so we're going to send another message to the North Dakota Supreme Court. This is what this Legislature wants. We want pro-life in North Dakota."

Weisz's committee had given the bill a 10-2 "do pass" recommendation. Myrdal said the bill didn't change "radically," and is in a final form to go to the governor.

The Legislature this session also is handling numerous bills to aid



Rep. Eric Murphy, R-Grand Forks, called six weeks "a pretty narrow standard ... especially in a woman who may have been raped, may have (become pregnant due to) incest, and frankly may not even know they're pregnant. It's a traumatic time for those individuals, and that trauma may continue for years."

House Majority Leader Mike Lefor, R-Dickinson, said, "We're speaking for those who can't speak for themselves. We need to protect their rights, too. At the end of the day, we passed a trigger law in 2007, and I have no idea why the North Dakota Supreme Court is legislating ... so we're going to send another message to the North Dakota Supreme Court. This is what this Legislature wants. We want pro-life in North Dakota."

Weisz's committee had given the bill a 10-2 "do pass" recommendation. Myrdal said the bill didn't change "radically," and is in a final form to go to the governor.

The Legislature this session also is handling numerous bills to aid



Rep. Eric Murphy, R-Grand Forks, called six weeks "a pretty narrow standard ... especially in a woman who may have been raped, may have (become pregnant due to) incest, and frankly may not even know they're pregnant. It's a traumatic time for those individuals, and that trauma may continue for years."

House Majority Leader Mike Lefor, R-Dickinson, said, "We're speaking for those who can't speak for themselves. We need to protect their rights, too. At the end of the day, we passed a trigger law in 2007, and I have no idea why the North Dakota Supreme Court is legislating ... so we're going to send another message to the North Dakota Supreme Court. This is what this Legislature wants. We want pro-life in North Dakota."

Weisz's committee had given the bill a 10-2 "do pass" recommendation. Myrdal said the bill didn't change "radically," and is in a final form to go to the governor.

The Legislature this session also is handling numerous bills to aid



Rep. Eric Murphy, R-Grand Forks, called six weeks "a pretty narrow standard ... especially in a woman who may have been raped, may have (become pregnant due to) incest, and frankly may not even know they're pregnant. It's a traumatic time for those individuals, and that trauma may continue for years."

House Majority Leader Mike Lefor, R-Dickinson, said, "We're speaking for those who can't speak for themselves. We need to protect their rights, too. At the end of the day, we passed a trigger law in 2007, and I have no idea why the North Dakota Supreme Court is legislating ... so we're going to send another message to the North Dakota Supreme Court. This is what this Legislature wants. We want pro-life in North Dakota."

Weisz's committee had given the bill a 10-2 "do pass" recommendation. Myrdal said the bill didn't change "radically," and is in a final form to go to the governor.

The Legislature this session also is handling numerous bills to aid

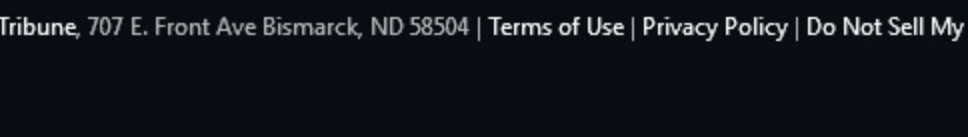


Rep. Eric Murphy, R-Grand Forks, called six weeks "a pretty narrow standard ... especially in a woman who may have been raped, may have (become pregnant due to) incest, and frankly may not even know they're pregnant. It's a traumatic time for those individuals, and that trauma may continue for years."

House Majority Leader Mike Lefor, R-Dickinson, said, "We're speaking for those who can't speak for themselves. We need to protect their rights, too. At the end of the day, we passed a trigger law in 2007, and I have no idea why the North Dakota Supreme Court is legislating ... so we're going to send another message to the North Dakota Supreme Court. This is what this Legislature wants. We want pro-life in North Dakota."

Weisz's committee had given the bill a 10-2 "do pass" recommendation. Myrdal said the bill didn't change "radically," and is in a final form to go to the governor.

The Legislature this session also is handling numerous bills to aid



Rep. Eric Murphy, R-Grand Forks, called six weeks "a pretty narrow standard ... especially in a woman who may have been raped, may have (become pregnant due to) incest, and frankly may not even know they're pregnant. It's a traumatic time for those individuals, and that trauma may continue for years."

Myrdal PROVIDED

Davis PROVIDED

Roers Jones PROVIDED

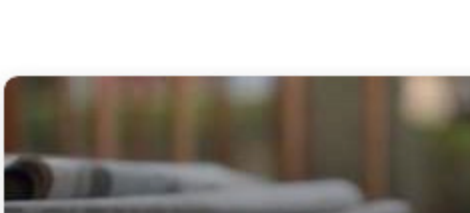
Lefor PROVIDED

Weisz PROVIDED

Reach Jack Dura at 701-223-8482 or jack.dura@bismarcktribune.com.



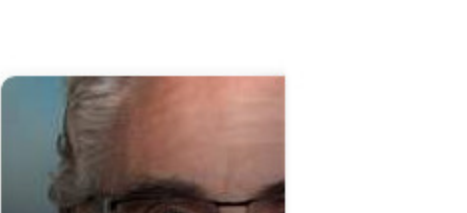
Roosevelt Library details fundraising after lawmake...
Brian Tarr - 2h
Just a couple of questions. Why would a bank accept collateral ...



Tribune editorial: Session marred by culture war...
sandcanyondan - 18h
Amen to the legislature having spent too much time on divis...

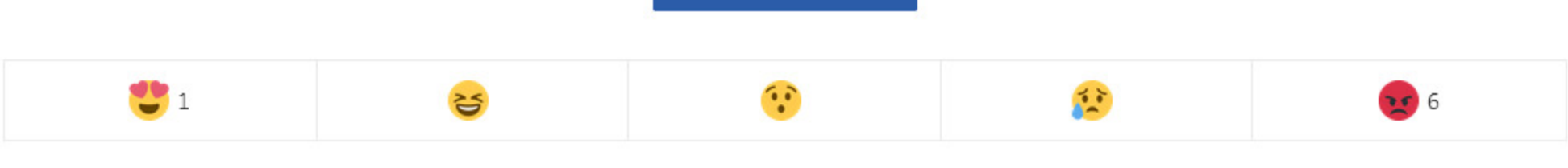


Oklahoma sex offender fatally shot 6, then killed...
sandcanyondan - 23h
Nothing says "a well regulated militia" like dead innocent...



South Heart won for alleged threa...
klide - 1d
This is just a crazy: polarized we have

0 Comments



Tags Law Legislation Medicine Politics Institutions Crime Trade Sexology Linguistics Administrative Law Biology Ethics Psychology Criminal Law Physiology

Get Government & Politics updates in your inbox!

Stay up-to-date on the latest in local and national government and political topics with our newsletter.

Email Address

Sign up!

"I understand and agree that registration on or use of this site constitutes agreement to its user agreement and [privacy policy](#)."

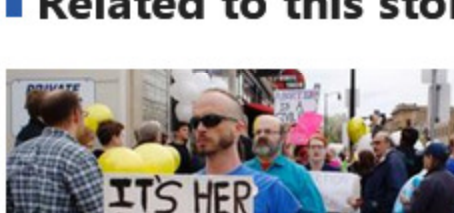
By JACK DURA

Capitol Reporter



Follow JACK DURA

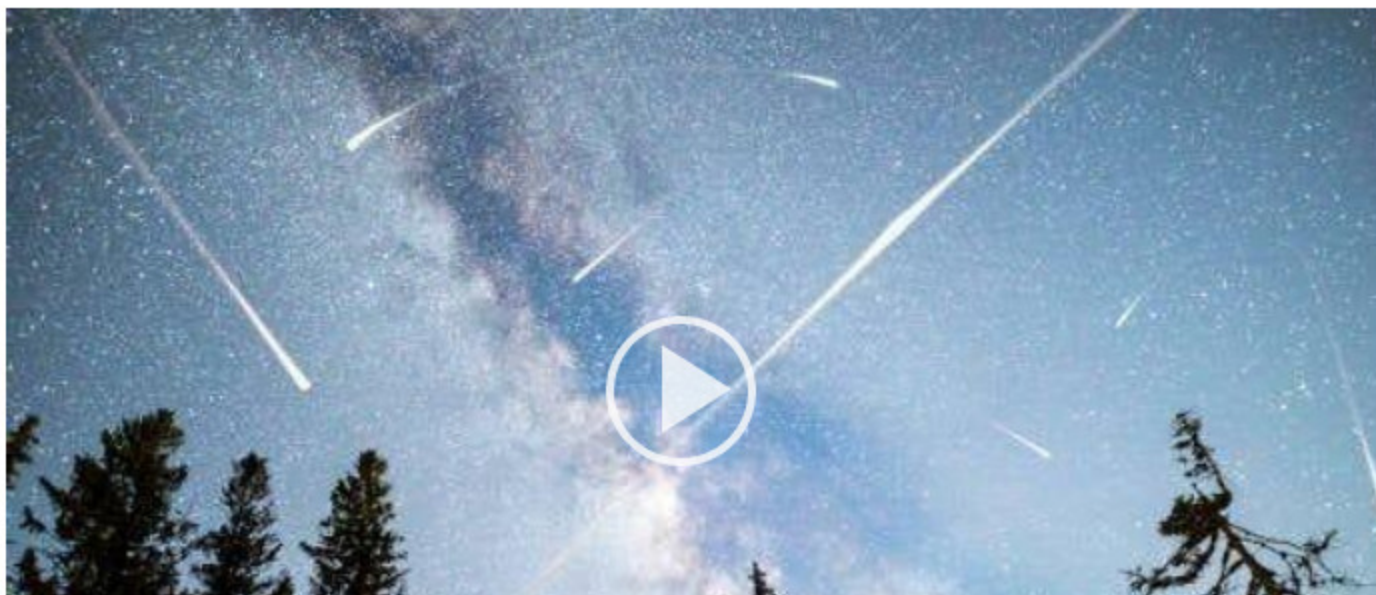
Related to this story



Revisions to North Dakota abortion laws clear Legislature

Proposed revisions to North Dakota's abortion laws need only the signature of Gov. Doug Burgum.

Watch Now: Related Video



How to watch the Eta Aquariids meteor shower



London prepares for King Charles's coronation



King Charles' ex-butler says coronation dress code is a big change



Officer involved shooting evidence collection

The Bismarck Tribune



Sites & Partners

Best of the Best
Dakota Classifieds
Mandan News
Jeans Day
Online Features

Services

Circulation/Subscriptions
E-edition
Work here
Advertise
Events Calendar
Contact Us
Become a Carrier
Dealer Services
Dealer Returns