



2023 Senate Bill no. 2150

Senate Judiciary Committee

Senator Diane Larson, Chairman

January 16, 2023

Chairman Larson and members of the Senate Judiciary Committee, I am Melissa Hauer, General Counsel/Vice President, of the North Dakota Hospital Association (NDHA). I testify in support of Senate Bill 2150. We do ask that you consider an amendment.

We are not expressing an opinion regarding what our state's policy ought to be regarding elective termination of healthy pregnancies. Hospitals are not in the business of providing such elective terminations. But many of the medications and procedures used in abortion are also used to treat serious pregnancy complications that threaten a woman's life or physical health, such as ectopic pregnancy, preeclampsia, and premature rupture of membranes.

At present, the current legal landscape regarding abortion in our state is uncertain. We want to ensure that our health care providers can continue to treat complications of pregnancy without fear of being caught up in criminal penalties for elective abortion. We worked with the main sponsor of the bill and the North Dakota Catholic Conference, and we appreciate their collaboration. NDHA supports the changes this bill would make to clarify and fix inconsistencies in current state abortion law.

Our main concern - which would be resolved with the passage of this bill - was the affirmative defenses in the trigger law. We want to ensure that evidence-based medical decision-making and treatment used to preserve the life and physical

health of a pregnant female are not criminalized. Physicians need to manage pregnancy complications where the mother's life or health are at risk, and they should not fear criminal consequences for doing so. With such uncertainty, physicians may delay care or decide not to practice in a state that puts them at risk of jail time for providing medically necessary care.

We ask for an amendment to the bill. As the physicians who will testify will explain, we believe a slight change is necessary to the medical emergency language. On page 2, line 6 and on page 5, line 31, we ask that "and" be replaced with "or". It is impossible to determine whether some pregnancy complications are substantial and irreversible.

In summary, we ask that you amend the bill and give it a **Do Pass as Amended** recommendation.

I would be happy to respond to any questions you may have. Thank you.

Respectfully Submitted,

Melissa Hauer, General Counsel/Vice President
North Dakota Hospital Association