

## North Dakota Trigger Ban: The Facts

### North Dakota Abortion Ban Legislation

- In 2007, the North Dakota legislature passed HB 1466
- a bill banning all abortions in the state of North Dakota. The bill includes no meaningful exceptions for rape, incest, or the health of the woman. House sponsors Kerzman and Metcalf, Senate sponsors Christmann and Erbele.
- Effective date: Act becomes effective on the date the legislative council approves by motion the recommendation of the attorney general to the legislative council that it is reasonably probable that this Act would be upheld as constitutional. This type of legislation is referred to as a Trigger Bill.
- House passed 68 to 26, Senate passed 29 to 16.

### Facts on Trigger Bills

- Four states currently have Trigger bans that automatically ban abortion if *Roe* were to be overturned; 13 states retain their pre-*Roe* abortion bans.
- North Dakota's Trigger Ban is the most extreme as it requires the physician to claim an affirmative defense that the abortion was necessary to protect the life of the woman or in cases of rape or incest.
- HB 1466 is more extreme than North Dakota law prior to *Roe v Wade*.

### Abortion Ban Impacts

- HB 1466 completely ignores the health of a woman who may be experiencing a high-risk pregnancy. The bill provides no exception for an abortion to protect the health of a woman.
- There are also conditions in pregnancy that make it impossible for a fetus to survive outside the womb; even in these cases a woman would not be able to terminate the pregnancy.
- If a doctor is prosecuted for performing an abortion the burden to prove that a life exception or 'sexual imposition' exception existed is on the doctor.
- A physician's only option to satisfy the affirmative defense is to violate the relationship with their patient and call the patient to the witness stand to prove the doctor's innocence.
- This could create a chilling effect on doctors, discouraging them from doing what is necessary to save the life of a woman for fear of a punishment of up to 5 years in prison.