

US state moves forward on strictest abortion laws (Update)

April 12 2013, by Associated Press

North Dakota moved closer Friday to having the strictest abortion laws in the U.S., with its House of Representatives approving a measure that would outlaw the procedure after 20 weeks of pregnancy based on the disputed premise that at that point a fetus can feel pain.

The conservative rural state is aiming to challenge the landmark U.S. Supreme Court ruling in 1973 that legalized abortion up until viability, usually at 22 to 24 weeks. Abortion remains one of the most sensitive issues in the U.S., and conservative lawmakers have been trying for years to restrict access to the procedure by various means in several states.

At least 10 states have passed bills banning abortions after 20 weeks of pregnancy on the premise that a fetus can feel pain at that stage, but research is split on the theory.

North Dakota's Legislature is taking several routes to restrict access to abortions. Abortion rights advocates say the state's laws are unconstitutional, and they have promised a legal fight that they say will be long, costly and unwinnable for the state.

Rep. Gail Mooney, opposed the latest measure and said the state has already made its point that it's anti-abortion.

"The question needs to be asked: How many more do we need?" she said.

State lawmakers last month also passed a resolution defining life as starting at conception, essentially banning abortion in the state. The measure is likely to come before voters in November 2014.

Gov. Jack Dalrymple has already signed into law a measure that bans abortions when a heartbeat can be detected, as early as six weeks into a pregnancy and before some women even know they're pregnant.

That's even more restrictive than a new Arkansas law, approved March 6, that would ban most abortions from the 12th week of pregnancy onward. Both Arkansas and North Dakota are trying to set themselves up for a challenge to the 1973 *Roe v. Wade* decision.

Dalrymple has acknowledged that heartbeat measure's chances of surviving a court challenge are questionable, but he has said it's worth the eventual cost in order to test the boundaries of *Roe*.

Dalrymple also has signed a measure banning abortions when a fetus has genetic defects such as Down syndrome, and another requiring a doctor who performs abortions to be a physician with hospital-admitting privileges.

Critics have said the measures also are aimed at the state's only abortion clinic.

The so-called "fetal pain" bill, which also has been approved by the Senate, now goes to the governor. Dalrymple, a Republican, has hinted that he will sign it.

All of the North Dakota measures would take effect Aug. 1. The Center for Reproductive Rights, a New York-based nongovernmental group, has said it plans to challenge the six-week ban before then.

Lawmakers have started building a fund to defend against potential lawsuits. The Senate has unanimously supported a request by state Attorney General Wayne Stenehjem for a \$400,000 budget increase.

The last few years have been intensely busy for the Center for Reproductive Rights, the American Civil Liberties Union and other abortion-rights legal groups as Republican-controlled legislatures have enacted scores of laws seeking to restrict access to abortion. At least two dozen such measures are currently the target of lawsuits.

Some of the recent laws place new requirements on abortion clinics, others require abortion providers to perform certain procedures or offer state-mandated counseling before an abortion can take place.

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