

# Let's hope our common sense prevails over fertilized egg bill

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Although it came to the floor of the North Dakota House with a do-not-pass recommendation from the House Human Services Committee, House Bill 1572 – defining human life as beginning when a woman's egg is fertilized by a man's sperm – passed on a 51-41 vote.

Bill backers want to force North Dakota to challenge *Roe v. Wade*, the 1973 Supreme Court decision leading to legalized abortion. (Put another way, if every fertilized egg had the same rights as you, your niece Isabel, and your grandpa Ernie, abortion would be illegal.)

In a Forum article by Janell Cole, the bill's sponsor was quoted as saying the bill is not "a direct ban" on abortion – an odd statement, since that is the acknowledged purpose of the bill. The sponsor also insisted that the bill would not interfere with the availability of contraception or a doctor's ability to end ectopic pregnancies. Not true.

Certainly IUDs, which prevent implantation rather than fertilization, would be illegal, as would some birth control pills. And given the lack of trust in the professional ethics of board-certified physicians evidenced in the original version of the bill, we can bet there will be legislation down the road to absolutely ensure that a terminated ectopic pregnancy – or a spontaneous abortion or a miscarriage – wasn't a plain old abortion in disguise. (Doctors can be so tricky.)

In fact, the people of North Dakota have no real idea what the legislation might mean for our people and our state, other than we can be pretty sure it will take millions of taxpayer dollars to defend the bill. And there are obvious things that would be illegal: stem cell research; termination of the pregnancy of a 14-year-old victim of incest; termination of the pregnancy of a 19-year-old college student given Rohypnol and gang-raped.

What we don't know is what it will mean for the medical community and women with problem pregnancies or fertility problems. For instance, what will happen in iffy situations, such as when physicians know that pregnancy will seriously exacerbate diabetes or kidney disease in a woman but won't necessarily kill her? How can they give the advice they think is most ethical if they expect to be hauled into court to defend it?

And what about fertility treatments? If the unused normal fertilized eggs from IVF are frozen, what happens to the abnormal fertilized eggs also created by the procedures? For that matter, if the parents don't want the leftover frozen embryos, do they become wards of the state?

There is another hurdle the bill's advocates don't seem concerned about; more specifically, there is no medical test for determining a fertilized egg in vivo – in a woman's body. That's probably why the American College of Obstetricians and Gynecologists defines pregnancy as beginning when a fertilized egg successfully implants in the womb. Of course, the primary concern of the ACOG is the health of women, including reproduction and all the medical and moral complications that involves.

In line with that, the group acknowledges diversity in the attitudes of physician members toward fertility medicine and abortion, but the organization is adamant in supporting both as having roles in the reproductive health of women.

Oh, well, as the late great comedian Gilda Radner used to say, "Never mind." If the North Dakota House says a fertilized egg has the same rights as a human being, that's the way it is. Then again, as cited by the Colorado Gynecological-Obstetrical Society, research shows that the percentage of fertilized eggs that fail to implant in sexually active women not using contraception is anywhere from 30 percent to 70 percent. (No matter how you look at it, that's a heckuva census to disappear in menses every month.)

According to House Bill 1572, every single one of those fertilized eggs, which certainly are "organisms with the genome of homo sapiens," has the same rights as you and I. How the attorney general will figure out they exist – much less defend them – isn't clear.

North Dakotans take pride in common sense. In dealing with HB 1572, we can hope the North Dakota Senate has the sound, practical judgment we value and appreciate.

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Ahlin is a regular contributor to The Forum's commentary pages.