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Abortion rights group challenges N.D. law

By DALE WETZEL
THE ASSOCIATED PRESS
FARGO — A lawsuit filed Monday by a women's reproductive rights group challenges a North Dakota law the group says will ban medication abortions.

The Center for Reproductive Rights hopes the law can be blocked from taking effect Aug. 1.

The lawsuit says the new law would prevent doctors from using misoprostol, one of two drugs that are administered in combination to induce abortions, because it's labeled for treatment of stomach ulcers.

The suit was filed Monday in state district court in Fargo, where the Red River Women's Clinic is located. The clinic is North Dakota's only abortion provider.

The suit also says the law's poorly worded conditions may force North Dakota women to seek a surgical abortion even if drugs are a better option.

The law says the use of any drug to induce abortion must satisfy "the protocol tested and authorized" by the FDA, and outlined in the drug's label.

The lawsuit says the FDA does not test or authorize drug protocols, and misoprostol is not labeled to induce abortions. The drugs mifeprex and misoprostol are used in combination for medication abortions, but only mifeprex is labeled for that purpose, the suit says.

"What they're challenging is actually a law that was designed to protect women. It wasn't meant to ban abortion or to eliminate abortion."

Christopher Dodson
director, North Dakota Catholic Conference

staff attorney for the New York-based Center for Reproductive Rights, said "off-label" drug use such as administering misoprostol for abortions is common and that North Dakota law encourages it in other contexts. She said complications from medication abortions are rare.

The law "reflects an animus towards abortion, physicians who perform abortions and women who obtain abortions," the lawsuit says. "Its purpose is to burden and reduce access to abortions in North Dakota."

Attorney General Wayne Stenehjem was not available to comment Monday, said spokeswoman Liz Broucker. The attorney general defends state laws against court challenges.

The law's author, Representative Bette Grande, R-Fargo said the law is intended to make sure abortion providers are following procedure.

"It does not ban any medical abortions, it asks strictly that FDA law or regulation be enforced and followed. It's pretty straight up standard," Grande said. "The intent is that law be followed, that is what the intent of an abortion control act."

Christopher Dodson, an

attorney who is director of the North Dakota Catholic Conference, said the drugs have killed more than a dozen women, and that the state law was intended only to ensure they are used according to federal Food and Drug Administration guidelines.

"What they're challenging is actually a law that was designed to protect women. It wasn't meant to ban abortion or to eliminate abortion," Dodson said.

The Red River Women's Clinic and its medical director, Dr. Kathryn Eggleston, are the plaintiffs in the lawsuit. Its defendants are Birch Burdick, the Cass County state's attorney, and Dr. Terry Dwelle, the state health officer and chief administrator of North Dakota's Department of Health.

The clinic performs abortions for women who are pregnant for up to 16 weeks, or 112 days, the lawsuit says. The clinic does medication abortions up to 63 days into a woman's pregnancy.

Forum reporter Wendy Reuer contributed to this report.

Public Notice

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION
MDU / Mountrail-Williams Electric Co-op
Williston Area
Service Area Agreement
Case No. PU-11-344
Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc.
Williston Area - Service Area Agreement
Public Convenience & Necessity
Case No. PU-11-374

NOTICE OF FILING, NOTICE OF INFORMAL HEARING
AND NOTICE OF OPPORTUNITY FOR HEARING
July 13, 2011

On July 1, 2011, Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. (Montana-Dakota or MDU) and Mountrail-Williams Electric Cooperative (Mountrail-Williams) filed a joint application for approval of a Service Area Agreement to establish service areas and designate service locations to be served by Montana-Dakota and Mountrail-Williams within the City of Williston, North Dakota, and surrounding areas. Montana-Dakota further request that Montana-Dakota be issued a certificate of public convenience and necessity authorizing it to extend service to locations within the Montana-Dakota service area set forth in the agreement.

The issues to be considered in this proceeding are whether the Service Area Agreement complies with section 49-03-06 of the North Dakota Century Code, and whether the approval of the Service Area Agreement and resulting certificate issuance are compatible with the public interest. Those interested are invited to comment on the application in writing. Persons desiring a hearing must file a written request identifying their interest in the proceeding and the reasons for requesting a hearing. Comments and requests for hearings must be received by August 23, 2011. If deemed appropriate, the Commission can determine the matter without a hearing. An informal hearing of this matter is scheduled to begin on August 24, 2011, at 1:30 p.m. CT in the Commission Hearing Room on the 12th floor of the State Capitol. At the informal hearing, the Commission will discuss this matter with the parties and interested members of the public.

For more information, contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify Darrell Nitschke, Executive Secretary, at least 24 hours in advance.

PUBLIC SERVICE COMMISSION
Kevin Cramer, Commissioner
Tony Clark, Chairman
Brian P. Kalk, Commissioner

Notice of Foreclosure Sale
NOTICE IS HEREBY GIVEN, that a self-storage facility lien will be foreclosed by a public sale and the property held by Richlyn Storage & Bargain Center, LLC. Contents may be sold individually or as a unit for cash on:
Date: August 3, 2011
Time: 4:00
Location: 610 13th St NE, Jamestown, ND
July 20, 27, 2011

IN THE COUNTY COURT OF STUTSMAN COUNTY, STATE OF NORTH DAKOTA
In the Matter of the Estate of Marna Mae Falk, aka Marna M. Falk, aka Marna Falk, Deceased.
NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative of the above estate. All persons having claims against the deceased are required to present their claims within three (3) months after the date of the first publication of this notice or to those known creditors whom a mailing of the notice of creditors has been sent, or said claims will be forever barred. Claims must be presented to Arnold Falk, personal representative of the estate, 3024 88th Ave. S.E., Jamestown, ND 58401, or to Lawrence P. Kropp, Attorney for the personal representative, at 105 Tenth Street SE, Jamestown, ND 58401, or filed with the Clerk of District Court at the following address: 511 2nd Ave. SE, Jamestown, ND 58401. Dated this 11th day of July, 2011.
Arnold Falk
3024 88th Ave. S.E.
Jamestown, ND 58401
701-252-8135
July 13, 20, 27, 2011

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