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School of Law

January 17, 2023

Senator Ron Latz  
Chair, Judiciary and Public Safety Committee

Re: SF1

To the Chair and members of the Committee,

Thank you for the opportunity to provide testimony on the Protect Reproductive Options (PRO) Act (SF1). I am a Professor of Law at Mitchell Hamline School of Law and a Visiting Professor at Saint Louis University School of Law. I teach and research reproductive law, and I support the PRO Act.

The Minnesota House of Representatives has a historic opportunity to protect reproductive freedom for all Minnesotans this legislative session. As we saw last year at the federal level with *Dobbs v. Jackson Women's Health Organization*<sup>1</sup> and in Iowa with *Planned Parenthood of the Heartland v. Reynolds*,<sup>2</sup> key judgments from high courts may be overturned when court membership changes, even when millions of people rely on those judgments in planning their lives. The PRO Act would clearly codify the legal right of Minnesotans to autonomously and individually determine their own reproductive destinies. As such, it would help protect Minnesotans' reproductive freedoms from a possible future reversal of *Doe v. Gomez*, the decision that protects abortion rights here in Minnesota, by a differently-constituted Minnesota Supreme Court.<sup>3</sup> What's more, it does not conflict with federal law.

All Minnesotans will benefit from the PRO Act's protection of reproductive freedoms. Thank you for considering it. I hope you pass the PRO Act with all due speed

Sincerely yours,

Laura Hermer, JD, LL.M.  
Professor of Law  
Mitchell Hamline School of Law

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<sup>1</sup> 142 U.S. 2228, 2284(2022) (overruling the right to an abortion as given in *Roe* and *Casey*).

<sup>2</sup> 975 N.W.2d 710, 740,744(Iowa 2022) (holding that neither the due process nor the equal protection clauses of the Iowa constitution provide fundamental protection for abortion)

<sup>3</sup> 542 N.W.2d 17, 27,31(Minn. 1995) (holding that the right to privacy under the Minnesota constitution protects a woman's right to terminate her pregnancy, and that the state may not interfere in that decision).