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DATE 2/14/2011  
HB 490



## Montana Nurses Association

20 Old Montana State Highway 1 Clancy, MT 56934  
(406) 442-6710 Voice 1 (406) 442-1841 Fax  
[www.mtnurses.org](http://www.mtnurses.org) [info@mtnurses.org](mailto:info@mtnurses.org)

### TESTIMONY OF THE MONTANA NURSES ASSOCIATION IN OPPOSITION TO HOUSE BILL 490 – FEBRUARY 14, 2011

Mr. Chairman, members of the House Judiciary Committee, my name is Don Judge and I'm appearing here today on behalf of the Montana Nurses Association in opposition to House Bill 490.

Membership of the Montana Nurses Association, 94% of who are women, is likely divided over the issue of a woman's right to choose. BUT, they are not divided over the right to access appropriate health care and protection against governmental interference and intrusion into health care decisions that are the purview of a woman and her health care providers.

Nurses are concerned about governmental intrusion into a woman's right to make choices regarding their medical treatments, medical procedures, choice of treating providers, career or lifestyle without "big brother" interference.

HB 490 would appear to give a broad array of individuals the right to take legal action against a woman who they believe are potentially endangering the health of a fertilized egg all the way through delivery of a child.

A government agency, DPHHS for example, could take action against a woman who they believe is endangering the health of a fertilized egg through smoking, drinking, exercising, eating habits or a work situation that they believe is unhealthy.

A spouse, or worse yet a former spouse, could file a complaint against a woman for similar reasons causing either a law enforcement agency or other governmental agency to investigate and potentially take action against someone with whom they simply hold a grudge.

A co-worker, neighbor, acquaintance or ex-friend could initiate an investigation or proceeding over their concern about the health of a woman's potential child.

If a woman takes vitamins or other medications that may have a negative impact on the development of an unborn child, even if those medications are necessary to the health of the mother, a complaint regarding the potential danger to the life of the child could be initiated.

In these and a whole host of circumstances the woman would be on the defensive. Their costs to prove themselves innocent would be on their shoulders and government costs would fall on all taxpayers. In the meantime, the woman, who in all likelihood is striving to give birth to a strong, healthy child, is being challenged on her ability to be a good mother.

The Montana Nurses Association understands that the issue of choice is an emotional one that tends to draw deep divisions between supporters and opponents. But pitting women, potential

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mothers, against their unborn child over the most personal, private health care and life decisions is simply wrong. Allowing big government, ex-spouses, law enforcement, family, friends, neighbors and enemies to initiate investigations and proceedings because they simply disagree with the way a woman lives, works, exercises or who she chooses as her medical providers is simply wrong and we believe that's exactly what House Bill 490 has the potential to do.

We all know how divisive the issue of choice is. Well, get ready, because if HB 490 passes and is approved by the voters Section 1 (3) will require the legislature to implement this section by appropriate legislation.

**Please respect the rights of Montana's women and expectant mothers and give House Bill 490 a "do not pass" recommendation.**

Thank you,

A handwritten signature in black ink, appearing to read "Don Judge", with a large, sweeping flourish that extends to the left and underlines the name.

Don Judge