

[Wrigley v. Romanick](#), 988 N.W.2d 231 (N.D. 2023) (holding that North Dakota Constitution’s inherent rights and due process clauses protect a right to abortion to preserve life or health, without addressing whether the right extends more broadly).

Summary of opinion:

The North Dakota Supreme Court held that the state constitution protects a fundamental right to abortion to preserve life or health. The court affirmed a preliminary injunction against the state’s trigger ban that criminalized abortion with only a narrow affirmative defense, applying strict scrutiny to find it failed to adequately protect life and health as required under the constitution’s inherent rights clause (which guarantees rights including life and safety) and due process right to life. *Id.* at 238. The court determined that the state’s long history and practice of legal and clinically permitting abortion to preserve life and health meant the right was fundamental. It noted that “we need go no further here to determine whether there are fundamental rights broader in scope.” *Id.* at 240. In an earlier case, a fractured court left similarly undetermined whether the state constitution protected a fundamental right to abortion, in that instance allowing a restriction to stand. [MKB Management Corp. v. Burdick](#), 855 N.W.2d 31 (N.D. 2014).

Source of the summaries: [State Constitutions and Abortion Rights](#) (Center for Reproductive Rights)