



Favorable with Amendment Statement
House Bill 858 - Health-Abortion-Ultrasound and Waiting Period
Laura Bogley, JD, Executive Director, Maryland Right to Life

On behalf of our chapters and members across the state, we support House Bill 1161 with amendment and urge your favorable report. Informed consent legislation is not an attack on personal freedom, but a guarantee of it. State informed consent legislation including ultrasound laws and waiting periods have been upheld as constitutional. This bill safeguards a woman's right to know and to make informed decisions. It is a reasoned and compassionate response to the needs of concerned pregnant women.

This bill gives a woman considering abortion the time to review the medical risks of abortion, alternatives to abortion, and non-judgmental, scientifically accurate medical facts about the development of her unborn child before making a permanent and life-affecting decision.

The Supreme Court of the United States has upheld as constitutional, laws that protect the right of a woman to know the medical risks of abortion. In the 1992 case Planned Parenthood of Southeastern Pennsylvania v. Casey, the Court upheld Pennsylvania's informed consent law. The Joint Opinion of Justices O'Connor, Kennedy, and Souter in the Casey case recognized that a state has a legitimate interest in enacting this type of legislation:

"In attempting to ensure that a woman apprehend the full consequences of her decision, the State furthers the legitimate purpose of reducing the risk that a woman may elect an abortion, only to discover later, with devastating psychological consequences, that her decision was not fully informed. If the information the State requires to be made available to the woman is truthful and not misleading, the requirement may be permissible."¹

Casey also upheld a 24-hour waiting period. The Court said, "***The idea that important decisions will be more informed and deliberate if they follow some period of reflection does not strike us as unreasonable, particularly where the statute directs that important information become part of the background of the decision.***"²

At least 29 state legislatures agree that this is a legitimate interest of the state and have adopted similar laws. In a national Gallup poll, 88% of Americans favored informed consent laws. 78% favor waiting periods. The twenty-four hour waiting period in this bill allows the woman time to weigh her decision and its alternatives. This will ensure the best possible outcome for a woman's physical and emotional well-being.

We ask the bill sponsor to consider an amendment to allow the medical provider the discretion to determine which type of ultrasound is medically indicated consistent with the gestational stage of the pregnancy. We also believe that all pregnant women can benefit from and should have the right to view an ultrasound regardless of the circumstances of conception, including in cases of rape and incest.

For these reasons we urge your amendment and favorable report of HB1109. Thank you for your consideration of this important legislation.

¹Casey., 505 U.S. at ---, 112 S.Ct. at ---, 120 L.Ed.2d at 718.

²Id., 505 U.S. at ---, 112 S.Ct. at ---, 120 L.Ed.2d at 720.