

Committee: House Health and Government Operations Committee

Bill: House Bill 1412 – Abortion Care Access Fund Act

Hearing Date: March 8, 2024

Position: Support

The Women's Law Center of Maryland strongly supports *House bill 1412 – Abortion Care Access Fund Act*. The bill establishes the Abortion Care Access Grant Program and identifies a sustainable funding source through unspent insurance premiums for abortion coverage.

The Need for Sustainable Resources for Abortion Access

Maryland protects the right to abortion care. However, the legal right to abortion care does not equate to access. People with limited resources still struggle with accessing abortion care. Unlike other kinds of women's health services – including family planning and cancer screening, there are no public health grant programs that support abortion care. This lack of resources is a legacy of the federal Hyde amendment which prevents the use of federal dollars to support abortion care.

HB 1412 addresses this long-standing equity by creating a public health program to support abortion care for uninsured and underinsured people. The bill explicitly recognizes that even some fully insured individuals may need support, as some people cannot use their insurance for abortion care as their safety could be at risk if a family member received an explanation of benefits for the care.

The legislation also recognizes resources are needed to support travel and other wraparound services. This is an unfortunately reality, as so many people must travel to obtain abortion care because of bans in their home states. Despite the spike in contributions after the *Dobbs* decision, abortion funds are facing severe fiscal challenges because they are the primary source of support for this travel. ⁱ

Following the *Dobbs* decision, many states – including California, Massachusetts, New Jersey, New York, and Oregon - allocated emergency funding to address the immediate impact on abortion care access in their states. Given the present landscape, with 21 states banning abortion care, we need to shift from emergency actions to long-term, sustainable solutions to supporting abortion access.

An Urgent Call to Protect Maryland Abortion Providers and Patients

We are deeply concerned about the escalation of violence and threats to abortion providers and patients since the *Dobbs* decision. There has been over a 900% increase in reports of stalking by abortion providers in 2022.ⁱⁱ

The threat of violence has a chilling effect on abortion access in Maryland and other jurisdictions. Providers are afraid to offer services, leaving many communities without access to abortion care. Maryland residents are still forced to travel, and at many abortion provider sites, patients face intimidating lines of protestors. Patients do not face this kind of threat in accessing any other kind of health care service.

HB 1412 offers critical support to abortion providers for improving security for their staff and patients. Funding may be used for grants for equipment, security staffing, and capital improvements.

Safeguarding Funding for Abortion Coverage

Under federal law requires, qualified health plans (also known as Exchange plans) must charge \$1 per month for abortion coverage for every insured individual. The insurers must keep track of the collection and expenditure of these premium dollars in a separate account, called a segregated account under Section 1303.

Under federal law, funds in segregated funds cannot be used for any purpose other than abortion care. This condition has been imposed to ensure that no federal funds are being used to support abortion coverage. Since the actuarial value of abortion coverage is far under \$1 per member per month, the segregated accounts have surpluses. According to annual reports by the Maryland Insurance Administration, insurers have an average of almost \$3 million in

unspent abortion premiums each year.ⁱⁱⁱ HB 1412 taps into these unspent funds to provide a sustainable funding source for the Abortion Care Access fund.

Conclusion

We ask for a favorable report of HB 1412. Please contact Robyn Elliott for any additional information at relliott@policypartners.net.

The Women’s Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.

ⁱ <https://abortionfunds.org/abortion-funds-post-roe/>

ⁱⁱ <https://prochoice.org/our-work/provider-security/2022-naf-violence-disruption/>

ⁱⁱⁱ <https://insurance.maryland.gov/Consumer/Appeals%20and%20Grievances%20Reports/Abortion-Care-Access-Act-Data-Report-MSAR-14161.pdf>