



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 26, 2025

The Honorable William C. Smith Jr.
Chair, Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, MD 21401-1991

RE: Senate Bill (SB) 933 – Criminal Law - Causing Ingestion of an Abortion-Inducing Drug - Prohibition – Letter of Opposition

Dear Chair Smith and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of opposition for Senate Bill (SB) 933 – Causing Ingestion of an Abortion-Inducing Drug - Prohibition. The bill would prohibit a person from knowingly and willfully causing another to ingest an abortion-inducing drug when the person knows or believes that the other person is pregnant and without consent, through fraud or coercion, or by force or threat of force. It proposes a felony conviction for anyone found guilty and imprisonment up to 25 years.

Current criminal statutes, such as those against assault, battery, or other forms of coercion, already apply to situations of one person forcing another to undergo a medical procedure. By targeting medication abortion provision under the legally vague definitions of fraud and coercion, the Department is concerned of a chilling effect for physicians and providers. Proving fraud, coercion, or threat of force requires a specific set of facts and interpretation and could lead to inconsistent enforcement and wrongful prosecutions, especially against abortion providers who may be accused by disgruntled partners or guardians in the course of providing routine medical care. Fear of being wrongfully prosecuted under this law could lead to compromised care from providers, who may hesitate to provide necessary care for fear of inadvertently violating the law.

Finally, targeting a proven safe medical procedure like medication abortion under a criminal law is concerning. There is no evidence of widespread coercion among people who receive medication abortions.¹ In addition, medical procedures, including who can provide them and how they should be provided, are highly regulated. The Department questions the benefit of singling out medication abortion for a criminal law, as Maryland does not have criminal statutes targeting other medical procedures.

¹<https://www.guttmacher.org/journals/psrh/2012/05/attitudes-and-decision-making-among-women-seeking-abortions-one-us-clinic>

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Laura Scott", written in a cursive style.

Laura Herrera Scott, M.D., M.P.H.
Secretary