



**Testimony for the House Health and Government Operations  
Committee**

**March 13, 2020**

**HB 1162 – Health – Abortions – Reporting Requirements**

**OPPOSE**

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The ACLU of Maryland opposes HB 1162, which would require all physicians, hospitals, and other facilities to report on each abortion performed in the state

**HB 1162 is an invasion of privacy.**

The decision of whether and when to have children, and especially the consideration of abortion, is a deeply personal one. Each woman has her own individual reason for having an abortion, and it is often an intensely private reason. No woman should be forced into disclosing that reason, and to require her to do so is an invasion of her privacy at the most personal of levels.

The Supreme Court recognizes many reasons why women seek abortion:

This right of privacy...is broad enough to encompass a woman's decision whether or not to terminate her pregnancy...Specific and direct harm medically diagnosable even in early pregnancy may be involved. Maternity, or additional offspring, may force upon the woman a distressful life and future. Psychological harm may be imminent. Mental and physical health may be taxed by child care. There is also the distress, for all concerned, associated with the unwanted child, and there is the problem of bringing a child into a family already unable, psychologically and otherwise, to care for it. In other cases, as in this one, the additional difficulties and continuing stigma of unwed motherhood may be involved. All these are factors the woman and her responsible physician necessarily will consider in consultation.<sup>1</sup>

While women may disclose these factors with their doctors – or anyone else they choose – they should not be forced to disclose to her doctor, the government, or anyone else. “If the right to privacy means anything, it is the right of the individual, married or single, to be free from

<sup>1</sup> *Roe v. Wade*, 410 U.S. 113, 153 (1973).



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unwanted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child.”<sup>2</sup> We believe that HB 1162 is just such “unwanted governmental intrusion.”

### **HB 1162 puts women and medical personnel at risk of harassment and violence.**

Opponents of abortion have used violence to achieve their goals when they cannot do so legally. There have been 11 murders and 26 attempted murders due to anti-abortion violence, including the 2009 murder of Dr. George Tiller in Wichita, Kansas, and the 2015 shooting at a clinic in Colorado Springs, Colorado, that killed a police officer and two others.<sup>3</sup> From 2010 to 2018, there were 3,991 acts of violence against abortion providers.<sup>4</sup> Identifying facilities and doctors puts them at risk for everything from harassment to murder.

HB 1162 also puts the patients at risk. While the names of women are not to be reported, there is enough information required to be reported that someone could determine the identity of the women, putting them at risk of harassment and violence.

There are not simply theoretical risks. John Ashcroft, as U.S. Attorney General, sought the medical records of women who had abortions.<sup>5</sup> Indiana’s Attorney General also attempted to seek medical records of young women seeking abortions.<sup>6</sup> Planned Parenthood sued the former Attorney General of Kansas, who subpoenaed medical records of women seeking abortions and disclosing material that had been sealed by the court.<sup>7</sup> The department’s gathering of this information is an open invitation to abuse and jeopardizes patients and doctors.

For the foregoing reasons, we urge an unfavorable report on HB 1162.

<sup>2</sup> *Eisenstadt v. Baird*, 405 U.S. 438, 453 (1972).

<sup>3</sup> National Abortion Federation, “Violence Statistics,” accessed at

<https://prochoice.org/education-and-advocacy/violence/violence-statistics-and-history/>

<sup>4</sup> National Abortion Federation, “2018 Violence and Disruption Statistics,” available at

<https://prochoice.org/wp-content/uploads/2018-Anti-Abortion-Violence-and-Disruption.pdf>

<sup>5</sup> Jake Tapper, “Ashcroft Seeks Planned Parenthood Records,” *ABC News*, Jan. 7, 2006,

accessed at <https://abcnews.go.com/WNT/story?id=131522&page=1>

<sup>6</sup> Monica Davey, “Planned Parenthood Sues Over Records Request in Indiana,” *The New York Times*, Mar. 17, 2005, accessed at <https://www.nytimes.com/2005/03/17/us/planned-parenthood-sues-over-records-request-in-indiana.html>

<sup>7</sup> *Compr. Health of Planned Parenthood of Ks. v. Kline*, No. 98.747 (Kan. 2008)