



Testimony for the House Health and Government Operations Committee

March 17, 2021

HB 1109 – Health – Abortion – Ultrasound and Waiting Period

OPPOSE

JOSEPH SPIELBERGER
PUBLIC POLICY COUNSEL

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

MAIN OFFICE
& MAILING ADDRESS
3600 CLIPPER MILL ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
or 240-274-5295
F/410-366-7838

FIELD OFFICE
6930 CARROLL AVENUE
SUITE 610
TAKOMA PARK, MD 20912
T/240-274-5295

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS
JOHN HENDERSON
PRESIDENT

The ACLU of Maryland opposes HB 1109, which would prevent a physician from performing an abortion until 24 hours after a woman receives an ultrasound, or after 2 hours if she lives at least 100 miles from the facility where the abortion will be performed.

Government-mandated delays serve no purpose other than to make obtaining an abortion more difficult, dangerous, and expensive for women who are least able to bear the burden of an unwanted pregnancy. The harm of such restrictions is felt most by those who have the fewest resources – women with low incomes, women of color, women in rural areas, working women without insurance or sick leave, and women facing domestic violence.

Mandated delays also demean women. They ostensibly exist so that a woman has time to “think over” the information she is given that is intended to discourage her from having an abortion. Other medical procedures that are more dangerous and complex do not have legally required waiting periods. Mandating delays for abortion implies that women seek abortions without adequate reflection, and are incapable of making reasoned, moral decisions regarding their health, their family, and their future. A built-in delay already exists between the moment a woman finds out she is pregnant, and the time she enters a clinic. It is not simply insulting, but cruel to tell a woman ending a pregnancy that she must wait at least 24 hours to reconsider her decision.

Courts across the state have struck down similar laws mandating waiting periods for abortion. For instance, a recent Iowa statute was ruled unconstitutional for violating due process and equal protection, because its restrictions on women were not narrowly tailored to serve a compelling government interest. The court held, “The state has a legitimate interest in informing women about abortion, but the means used under the statute enacted does not meaningfully serve that objection.”¹ The waiting period in this bill is similarly unconstitutional.

For the foregoing reasons, we urge an unfavorable report on HB 1109.

¹ *Planned Parenthood of the Heartland v. State of Iowa*, No. 17-1579 (Sup. Ct. Iowa, 2018).