

**Favorable with Amendment**  
**House Bill 997- Equal Protection for Unborn Human Life Act**  
Laura Bogley, JD - Director of Legislation, Maryland Right to Life

**On behalf of our members across the state, we strongly support House Bill 997 *with amendment*. HB 997 is common sense legislation that prioritizes the state's interest in the value of human life and restores to the people, the natural and Constitutional rights to life, liberty, freedom of speech and religion and to equal protection under the law.**

**The Right to Life is Inalienable and Requires Equal Protection Under the Law**

Medical science is clear that a unique human life begins at the moment of fertilization. The medical and scientific reality is that a human being is killed during elective induced abortion. The Supreme Court in *Roe v. Wade* stated that "abortion is the deliberate destruction of human life".

The Constitution of the United States and the Constitution of the State of Maryland both affirm the natural or God-given right to life and guarantee Equal Protection under the law. This right is inalienable and cannot be taken or infringed by the government, which is limited by our Constitutions. Therefore no legislative, judicial or executive body of government may lawfully establish a competing or antithetical right to destroy human life through abortion.

The Fourteenth Amendment's use of the word "person" guarantees due process and equal protection to all members of the human species. The preborn are members of the human species from the moment of fertilization. Therefore, the Fourteenth Amendment protects the preborn.

The English common law tradition—which the United States inherited and developed after its independence—consistently treated abortion as the wrongful killing of a human being. Abortion was prohibited as soon as life in the womb could be detected.

By the time the Fourteenth Amendment was ratified in 1868, the states widely recognized unborn children as persons. Twenty-three states and six territories referred to the fetus as a "child" in their anti-abortion statutes. Twenty-eight labeled abortion as an "offense[] against the person" or a functionally equivalent classification. (See Craddock, Joshua J., Protecting Prenatal Persons: Does the Fourteenth Amendment Prohibit Abortion? (May 15, 2017). Harvard Journal of Law and Public Policy, Vol. 40, No. 2, 2017, Available at SSRN: <https://ssrn.com/abstract=2970761> )

**Pregnancy is not a Disease**

Abortion is not health care. It is violence and brutality that systemically targets the poor and vulnerable and ends the lives of unborn children through suction, dismemberment or chemical poisoning. The fact that 85% of OB-GYNs in a representative national survey do not commit abortions is glaring evidence that abortion is not an essential part of women's healthcare.

Hippocratic medical professionals recognize that both the pregnant woman and her unborn child are patients, and having vowed not to harm their patients, the Hippocratic medical professional will not use their medical skills to kill the human beings entrusted to their care. Elective induced abortion is not

medical care and is not the same as emergency separation to save the life of the mother. There is no medical indication for elective induced abortion, since it cures no medical disease.

In reality, elective induced abortion is an attempt to resolve a perceived social or political problem by killing human beings in utero. Killing human beings as a solution to political and social problems—such as elite eugenic organizations attempting to decrease the population of unwanted racial groups by location of Planned Parenthood clinics in predominantly Black or Hispanic neighborhoods, has no place in Hippocratic medical care.

### **Abortion is *never medically necessary* to save the life of a woman**

In the rare case of severe pregnancy complications, hospitals, not abortion clinics, may decide to separate the mother and child and make best efforts to *sustain the lives of both*. This is different from an abortion, which involves the *purposeful termination of fetal human life*. Prior to the Supreme Court's imposition of their decision in *Roe v. Wade* in 1973, the Maryland legislature had enacted a ban on abortion and only would allow exception for the physical life of the mother, if two physicians agreed that termination of the pregnancy was necessary to avoid the imminent death of the mother. But in Hippocratic medical care, physicians recognize that they must make every effort to treat both patients, and to save the lives of both mother and child whenever medically possible.

### **Abortion Indoctrination and Coercion**

While we strongly support the Equal Protection of the law for preborn human beings, Maryland Right to Life does not support policies to establish criminal penalties for women seeking abortion. We respectfully seek amendment to this bill to exclude the terminology that applies to criminal penalty for women including “or procuring” and “or procures”. It is clear that those persons who carry out elective induced abortion are using their medical skills to kill human beings and criminal penalties for abortion providers are warranted.

Women seeking abortions clearly have responsibility for their choice to destroy human life and we do not excuse this. What we take issue with is the fact that the state actively participates in the funding and promotion of abortion and has failed to protect women and girls against abortion coercion and indoctrination. It is estimated that as many as 65% of abortions are not the woman's choice but the result of coercion by an authority figure, partner or sex trafficker. By failing to appropriately regulate the abortion industry and failing to require abortionists to report suspected sexual abuse, the state has left girls and women to be sexually exploited and physically and psychologically harmed.

The state has important work to do before they have grounds to prosecute women for abortion. The state forces taxpayers to fund abortion promotion and indoctrination in Maryland schools beginning in kindergarten. The state routinely refers pregnant girls and women to abortion providers for Family Planning and prenatal care, where they can be influenced and coerced into abortion. Despite its claims that its primary focus is to provide health care for women, Planned Parenthood's business model is built on profiting from abortions. **Planned Parenthood commits 41 abortions for every one prenatal care service and 133 abortions for every adoption referral. Planned Parenthood provides no pediatric care.** In their [Annual Report](#) released in January 2021, Planned Parenthood reports that the number of abortions they committed increased nearly 3% in 2019-2020 from the previous year for a total of 354,871 abortions. That's over 972 babies killed daily- or one every 89 seconds. **In stark contrast, they report that their prenatal care and adoption referrals both dropped double digits from the previous**

**year.** Planned Parenthood offers minimal “prenatal” services and adoption referrals as a means to qualify for public funds and to sell abortion to vulnerable women and girls facing unplanned pregnancies ([LEARN MORE](#)).

**Love them both** - 80% of Americans polled favor laws that protect both the lives of women and unborn children. We believe each human being is created EQUAL and the circumstances of conception do not diminish the worth of a human child. While rape and incest are despicable crimes that must be prosecuted, in no other crime do we transfer blame and punishment to an innocent third party. Children should not be condemned to death for the crimes of others. Public funds instead should be prioritized to fund health and family planning services which have the objective of saving the lives of both mother and children, including programs for improving maternal health and birth and delivery outcomes, well baby care, parenting classes, foster care reform and affordable adoption programs.

**Funding restrictions are constitutional** - The Supreme Court has held that the alleged constitutional “right” to an abortion *“implies no limitation on the authority of a State to make a value judgment favoring childbirth over abortion, and to implement that judgment by the allocation of public funds.”* When a challenge to the constitutionality of the Hyde Amendment reached the Supreme Court in 1980 in the case of *Harris v. McRae*, the Court ruled that the government may distinguish between abortion and other procedures in funding decisions -- noting that *“no other procedure involves the purposeful termination of a potential life”* -- and affirmed that *Roe v. Wade* had created a limitation on government, not a government funding entitlement.

**For these reasons, we respectfully urge you to vote in favor of HB997 with the attached amendment. We thank you for your consideration for the equal value of each human being, born and preborn.**

## Maryland Right to Life – HB997 – Proposed Amendments

### Proposed Amendment 1:

A BILL ENTITLED

AN ACT concerning

Equal Protection for Unborn Human Life Act

FOR the purpose of repealing provisions of law providing for the prosecution for murder or manslaughter of a viable fetus under certain circumstances; declaring the intent of the General Assembly regarding the provision of equal protection for all unborn human beings within the State; providing that the General Assembly acknowledges that certain federal or State laws, regulations, executive orders, or court opinions contrary to certain findings are void; requiring certain executive, legislative, and judicial officers in the State to fulfill a certain duty to support the United States Constitution and the Maryland Constitution for a certain purpose; requiring the Attorney General to monitor the enforcement of certain provisions of law; prohibiting the State, certain political subdivisions of the State, and certain agents from entering an appearance in certain federal lawsuits; providing that certain persons are subject to prosecution for murder or manslaughter for providing ~~or procuring~~ an abortion except under certain circumstances;

### Proposed Amendment 2:

2A-103.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ANY PERSON WHO PROVIDES ~~OR PROCURES~~ AN ABORTION BY ANY MEANS, WHETHER CHEMICAL, SURGICAL, OR BY ANY OTHER INTENTIONAL ACT, OR WHO INTENTIONALLY DESTROYS A LIVING HUMAN ZYGOTE, EMBRYO, OR FETUS FOR ANY REASON IS SUBJECT TO PROSECUTION FOR MURDER OR MANSLAUGHTER UNDER TITLE 2 OF THIS ARTICLE.