



## Testimony for the House Health and Government Operations

March 17, 2021

### HB 997 Equal Protection for Unborn Human Life Act

SAMUELA ANSAH  
PUBLIC POLICY INTERN

#### OPPOSE

The ACLU of Maryland opposes HB 997 which criminalizes abortion, expands equal protection to include “unborn human life”, and removes abortion from family planning services from the Maryland Medical Assistance Program.

The Supreme Court interpreted the 14th amendment’s provision for privacy to include a woman’s right to choose in *Roe v Wade*. It also mandates states to balance their interest in protecting human life & women’s health with this provision. HB 997 seeks to establish equal protection for “unborn human life” defined as the point of fertilization onward centers the state’s interests without consideration for a woman’s equal rights protections by criminalizing abortion. Not only does HB 997 ignore a woman’s constitutional rights, it seeks to deprive their liberty for exercising their protections afforded under the 14 amendment. Under this bill, women can be charged with manslaughter or murder for intending to cause death or harm to a viable fetus or wanton and reckless actions that she should have known would cause harm to the fetus.

AMERICAN CIVIL  
LIBERTIES UNION  
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

WWW.ACLU-MD.ORG

COLEMAN BAZELON  
PRESIDENT

SUSAN GOERING  
EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL

Criminalizing abortion does not prevent abortions from occurring but rather increases unsafe procedures, putting both a fetus and woman at risk of death or serious bodily injury.<sup>1</sup> An increase in unsafe abortions will also occur if abortions are not covered under the Maryland Medical Assistance Program. Altering the Medical Assistance Program to remove abortions places the procedure out of the reach of low-income women who otherwise cannot access healthcare causing them to seek out providers they can afford. Women are at risk of hemorrhage, sepsis and abortion related death if they are forced to seek out unsafe abortions. restricting access to safe abortions endangers the life of a woman, a human life protected under the 14th amendment. Moreover, the United States is leading the developed nations in maternal mortality rates. Women would be better served if the state invested resources into reducing their likelihood of dying during childbirth than preventing access to abortions.

Women seek abortions for a myriad of reasons, with multiple factors influencing their decision such as timing, financial limitations, partners and many more. Often time, carrying a child just cannot be their reality at the moment. Rather than expending state resources and wasting tax payer money on expensive and lengthy legal battles that can cost \$7.9 million, which will ensue if HB 997 is passed, the state can invest resources

---

<sup>1</sup> <https://www.cmi.no/publications/5412-health-effects-of-criminalization-of-abortion>

into improving the lives of women to make family planning a reality for more women.<sup>2</sup> The state can invest in women's education, providing access to higher education that allows them to earn more, increasing their socioeconomic status. They should invest in programs and measures that decrease poverty. Sexual education should be a prioritized curriculum in schools. Investment in all areas of women's health including access to contraception for all women will aid in family planning and reduce unintended pregnancies. If the state has a true vested interest in protecting the lives of unborn humans, it should investigate and mitigate the reasons why a woman would seek an abortion rather than restricting and impeding on their constitutional rights.

Restricting and criminalizing abortion impedes on the constitutional right of a woman to choose and invades her privacy. Unintended pregnancies can alter the trajectory of a woman's life, the child and has economic implications for the rest of society. A woman's ability to control her fertility is her ability to control her life. For the foregoing reason, the ACLU of Maryland urges an unfavorable report on HB 997.

AMERICAN CIVIL  
LIBERTIES UNION OF  
MARYLAND

---

<sup>2</sup> <https://www.washingtonpost.com/national/2019/09/23/abortion-restrictions-are-costing-states-millions-dollars-fees-other-side/?arc404=true>