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BILL NO: House Bill 1214  
TITLE: Maryland Child Protection Act of 2022  
COMMITTEE: Health and Government Operations Committee  
HEARING DATE: March 7, 2022  
POSITION: **OPPOSE**

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House Bill 1214 establishes new reporting requirements for health care providers who have cause to believe abuse has occurred to an adolescent and would require physicians who perform abortions on children under the age of 14 to preserve fetal tissue from the abortion and provide it to state agencies. While preventing child abuse is a critically important objective, this bill does nothing to further that cause, and would rather create ambiguity in the law and put adolescents at risk. This is because HB 1214 imposes new and unnecessary requirements on health care providers caring for adolescents who are pregnant, while conflicting with current laws regarding reporting and investigating child sexual abuse, confusing providers who are caring for patients facing extraordinarily difficult decisions, infringing on patient decision-making, and potentially assisting sex offenders who are committing incest against a child. As we believe this bill would create more harm than good, the WLC strongly urges an unfavorable report.

Maryland currently already has strong laws regarding the reporting and investigation of child sexual abuse. All health care providers – and indeed all people – are required to report suspected abuse to either law enforcement or child protective services. Family Law §§5-704, 5-705, 5-705.1. Creating a new reporting system with different definitions of abuse, mandatory reporters, and other terms does nothing to help survivors of child sexual abuse and would create confusion for health care providers. Additionally, law enforcement, child protective services, and other professionals are currently mandated to conduct joint investigations into allegations of child sexual abuse (§5-706) and when child sexual abuse or rape results in a pregnancy, fetal tissue can already be collected when necessary to the investigation. Additional legislation regarding crimes is unneeded and inserting the Department of Health into criminal investigations imposes additional bureaucracy without justification.

Of great concern, HB1214 prohibits all people from assisting a minor to obtain an abortion without the consent of the minor's parent or guardian. This would mean that a victim of incest could be forced to get permission from a perpetrator-parent prior to seeking abortion care and would allow the sex offender to exercise influence over the victim's decision. This would be extraordinarily bad policy. Additionally, the bill contains an assumption that any pregnant child under 14 is automatically the victim of a crime. This is incorrect. Some very young children can and do become pregnant as a result of consensual sexual activities with peers. If the older person is less than 4 years older than the other and the facts do not otherwise violate a law (e.g., no force, etc), there is no crime. The government should not interfere with the family and pregnant child in these difficult cases.

For all the foregoing reasons, the Women's Law Center of Maryland respectfully urges an unfavorable report for HB 1214.

*The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.*