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February 18, 2022

To: The Honorable Shane E. Pendergrass  
Chair, Health and Government Operations Committee

From: The Office of the Attorney General

Re: House Bill 1171 (Declaration of Rights - Right to Reproductive Liberty):  
Support

The Office of the Attorney General supports the constitutional amendment proposed in House Bill 1171. If approved by the voters at the next general election to be held in November 2022, Maryland's Declaration of Rights would (1) establish, as a central component of an individual's rights to liberty and equality, the fundamental right to reproductive liberty, including the right to make and effectuate decisions regarding the individual's own reproduction, including but not limited to the ability to prevent, continue, or end their pregnancy, and (2) prohibit the State from directly or indirectly denying, burdening, or abridging a person's right to reproductive liberty unless justified by a compelling State interest achieved by the least restrictive means.

Women's abortion rights have been protected under Maryland law since voters in 1992 overwhelmingly passed a referendum question protecting a woman's right to abortion. Richard Tapscott, *MD Backs Measure on Abortion Rights*, Washington Post (Nov. 4, 1992), <https://www.washingtonpost.com/archive/politics/1992/11/04/md-backs-measure-on-abortion-rights/cb000417-7fed-430a-be69-79203fcd2de2> ; Md. Code Ann., Health Gen. § 20-209.

The State of Maryland may not interfere with the decision of a woman to terminate a pregnancy: (1) before the fetus is viable; or (2) at any time during the pregnancy if the termination is necessary to protect the life or health of the woman; or the fetus is affected by genetic defect or serious deformity or abnormality. Md. Code Ann., Health Gen. § 2-209(b).

Maryland's recognition of a woman's right to abortion is further reflected by Maryland's decision to voluntarily provide state-funded abortion coverage for eligible women in its Medicaid program. Md. Code Regs. 10.09.02.04G. Maryland also offers abortion services to incarcerated women. Md. Code Ann., Correctional Srvs. § 9-601(j)(2)(v). In Maryland abortion coverage is part of the essential health benefits package, required of all non-grandfathered individual and small group plans sold on Maryland's Health Benefit Exchange, and all individual qualified health plans cover abortions.

We support adding another important layer of protection in uncertain times for reproductive liberty rights, keeping with our history of support for reproductive freedom in Maryland.

We urge the committee to give House Bill 1171 a favorable report.

cc: Speaker Jones, Sponsor