



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

March 9, 2022

The Honorable Delegate Shane Pendergrass

Chairwoman of the House Health and Government Operations Committee

6 Bladen Street, Room 241

Annapolis, Maryland 21401

House Bill 626

Good afternoon, Chair Pendergrass, Vice-Chair Pena-Melnyk, and members of the House Health and Government Operations Committee. I am Delegate Nicole Williams of District 22, and I will be testifying today in favor of **House Bill 626**, also known as the **Pregnant Person's Freedom Act of 2022**. This legislation would prohibit the subjection of pregnant people or those who have experienced pregnancy loss or termination to Maryland's criminal justice and/or civil court systems. This bill would also protect individuals who provide support to people who are experiencing a pregnancy loss or seeking abortion care. Basically, you cannot go to jail or seek civil damages in court against someone from seeking the care that they chose or against someone assisting someone who is seeking the care that they chose.

Over the past several years, we have seen hundreds of individuals across our country being subject to criminal investigation, arrest, prosecution, and/or conviction for pregnancy loss or the threat thereof. The most egregious attempt of this type of prosecution is the legislation that was passed last year in the State of Texas also known as SB8. However, this bill, House Bill 626 is not just about abortion. It is about charges filed against a person who experienced a physical accident that threatened or ended a pregnancy. This bill is about protecting a person who experiences a miscarriage or a stillbirth from being accused of homicide, child abuse, neglect, reckless endangerment, or more. Even here in Maryland, we had an incident several years ago where someone filed a lawsuit in Washington County seeking to enjoin a doctor in Hagerstown from providing abortion care that his partner was seeking at that time.

Most people who have been criminalized for pregnancy loss are typically low-income, and/or women of color. Prosecuting individuals for experiencing a miscarriage or stillbirth is crule and ignores the root causes of poor pregancny outcomes and perinatal loss. We want to encourage individuals to get the prenatal care that they need without fear of prosecution or civil liability.

This bill does four things:

1. A pregnant person is not liable for civil damages or subject to criminal investigation or penalty for terminating or attempting to terminate the person's own pregnancy under any circumstances;
2. The state does not have the authority to criminally investigate or penalize a pregnant person who has experienced a miscarriage, neonatal death related to a failure to act, or stillbirth;
3. A person is not subject to criminal penalties or civil damages for aiding, informing, or in any way assisting a pregnant person in terminating or seeking to terminate the person's pregnancy;
4. A person may bring a cause of action for damages if the person was subject to unlawful arrest or criminal investigation for a violation of these provisions.

This bill does not alter any of our current laws regarding abortion care, parental consent, or charges for medical malpractice, homicide, or manslaughter. In fact, you should have in front of you an amendment to make it crystal clear that a person will still have a cause of action against a doctor for malpractice if that actually does occur.

Abortion care is health care. Prenatal care is health care and we need to make sure it is treated as such.

For these reasons, I urge the committee to give a favorable report on House Bill 626.

Sincerely,

A handwritten signature in black ink that reads "Nicole A. Williams, Esq." The signature is written in a cursive, flowing style.

Delegate Nicole A. Williams, Esq.