
BILL NO: Senate Bill 504
TITLE: Equal Protection for Unborn Human Beings Act of 2022
COMMITTEE: Judicial Proceedings
HEARING DATE: February 16, 2022
POSITION: **OPPOSE**

Senate Bill 504 is an unconstitutional measure that would not only effectively ban all abortions in Maryland, but also criminalize medical care by subjecting providers to murder or manslaughter charges. In fact, the language of the bill is so broad that it criminalizes anyone who “provides or procures” an abortion by any means, thus potentially criminalizing the pregnant person as well p. 5, lines 8-9). While there is a narrow exception for protecting the life of the mother, the bill places unequal weight on the life of the pregnant individual and fetus, diminishing the value of pregnant women.

The Women’s Law Center of Maryland, Inc. opposes Senate Bill 504 as it dangerous, unconstitutional, and violative of a woman’s bodily autonomy by invading very personal decisions that women have a constitutional right to make. Decisions about pregnancy are and should remain a matter between a woman and her doctor. Doctors, who are always in the best position to determine the appropriate medical course of action, should be free to make medical decisions without fear of prosecution. Any attempt to restrict or interfere with that relationship relegates the woman to the concept of being nothing more than a “host” for the fetus.

United States Constitutional jurisprudence has been very clear as to the limited ability of state legislators to regulate abortion access. Throughout the years, the Supreme Court has repeatedly concluded that viability is not a fixed point, but rather a variable in each individual pregnancy to be determined by the treating physician.

- In *Roe v. Wade*, 410 U.S. 113, at 116 (1973), the Court stressed the central role of the physician, stating "the abortion decision in all its aspects is inherently, and primarily, a medical decision."
- In a companion case, *Doe v. Bolton*, 410 U.S. 179 (1973), the Court again underscored the importance of affording the physician adequate discretion in the exercise of her or his medical judgment in the context of when to perform an abortion, stating that “the abortion determination, so far as the physician is concerned, is made in the exercise of his professional, that is, his ‘best clinical,’ judgment in the light of all the attendant circumstances.”
- This has been repeatedly reaffirmed by the Supreme Court, including as recently as 2020, in *June Medical Services v. Russo*. In other words, it remains the law today.

Just as importantly, in 1992 Maryland codified its support for a woman’s right to choose through the ballot initiative Question Six, and there is nothing to suggest that the citizens of this state want this type of change in our public policy.

For these reasons, the Women’s Law Center urges an unfavorable report on Senate Bill 504.

The Women's Law Center of Maryland is a private, non-profit, membership 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.