

# **Salling sb504 Ltr to Committee.pdf**

Uploaded by: johnny salling

Position: FAV

**JOHNNY RAY SALLING**  
*Legislative District 6*  
Baltimore County

Budget and Taxation Committee  
Public Safety, Transportation,  
and Environment Subcommittee



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11 Bladen Street, Room 321  
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JohnnyRay.Salling@senate.state.md.us

**THE SENATE OF MARYLAND**  
**ANNAPOLIS, MARYLAND 21401**

February 8, 2022

Judicial Proceedings Committee

Re: SB504 Equal Protection for Unborn Human Life Act

Position: Favorable

Dear Chair, Vice Chair, and Committee Members,

I would like to ask for your support for this bill which would give equal protection for those babies still in the womb. Life begins at conception, and abortion ends life. It is as simple as that. This bill would work to protect the most vulnerable of our society, the unborn. It would turn our state from allowing and promoting the killing of the unborn to protecting and providing for them. I understand that this issue is complicated and that there are many factors to consider regarding this issue, but we should not wrap the rights of one part of society around the idea of taking another's life.

I ask for your support on a favorable vote for this bill.

Sincerely,

Senator Johnny Ray Salling

**SB 504\_SP\_FAV.pdf**

Uploaded by: Sarah Reichert-Price

Position: FAV

Senator William C. Smith, Jr.  
and Members of the Judicial Proceedings Committee  
Maryland Senate  
Annapolis, MD

RE: SB 504- Equal Protection of Unborn Human Beings Act of 2022- **SUPPORT**

Dear Senator Smith and Members of The Committee,

Considering the articles of the Preamble of SB 504, and the recognition that a living human child is a person at the moment of conception, said child is therefore entitled to the same protection of the laws of the state as any other human being. Furthermore, it is justifiable that any attempt of an individual to abort said child, should be held accountable and subject to prosecution of murder or manslaughter.

Simply put, unborn children are considered living human beings and have the same rights as people existing in the world, outside the womb. Yet, they have no voice. We must be their voice and protect them with the same rights that protect us all. A viable fetus' life is no less important nor less valuable than a walking, talking person. Attempting/committing murder is a punishable offense by imprisonment. Abortion is no less than murder and should therefore be treated as such.

Please vote for a FAVORABLE report for SB 504.

Thank you for your time,

Sarah Price (ACRWC)  
221 Miller Street  
Westernport, MD

**SB0504\_Chris\_Apple\_UNF.pdf**

Uploaded by: Christopher Apple

Position: UNF

TESTIMONY IN OPPOSITION OF BILL SB0504 - UNFAVORABLE  
Equal Protection of Unborn Human Beings Act of 2022

TO: Chair Smith, Vice Chair Waldstreicher,  
and members of the Judicial Proceedings  
Committee

FROM: Chris Apple  
7001 Cradlerock Farm Court  
Columbia, MD 21045  
District 13

Feb 16, 2022

Abortions and unplanned pregnancy are serious concerns, and it is important that we view them as a public health issue and look for data-driven solutions. Though addressing these concerns is in everyone's best interest, I believe this bill takes a flawed approach because *criminalizing abortion does not actually reduce abortion rates*.<sup>1</sup> Researchers studying the abortion rate in different countries found no difference between countries where abortion is legal, and countries where it is against the law. Other factors, like access to contraception, were found to be the biggest drivers in reducing unplanned pregnancy and abortions.

All this means that this bill may not prevent any abortions in Maryland. However, it *would* ensure that people are incarcerated for their abortions - even if they have other children they need to provide for. It will push Marylanders towards unsafe and unregulated abortions which will worsen our overall public health.

We know several things that *will* reduce abortions. Equitable access to birth control<sup>2</sup> and comprehensive reproductive education are excellent alternatives to this bill. These would empower Marylanders and have far-reaching public health benefits, in addition to lowering the abortion rate in Maryland.

I ask that the committee to take a careful look at the data, and make the choice not to criminalize abortions but to invest in other programs that will actually make an impact. I respectfully urge the committee to issue an unfavorable report on SB0504. Thank you.

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1

<https://www.washingtonpost.com/news/the-fix/wp/2016/05/14/abortion-rates-are-declining-is-developing-countries-worldwide-whats-causing-it/>

2

<https://slate.com/human-interest/2016/05/abortion-rates-are-constant-in-developing-countries-while-developed-ones-see-a-sharp-drop.html>

# **NWLC Opposition Letter SB 504.pdf**

Uploaded by: Heather Shumaker

Position: UNF



11 DUPONT CIRCLE NW  
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WASHINGTON, DC 20036  
202-588-5180  
NWLC.ORG

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

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The National Women's Law Center strongly opposes Senate Bill 504. Senate Bill 504 is a harmful and blatantly unconstitutional bill that would effectively ban all abortions in Maryland – with only narrow exception – and criminalize providers and pregnant people by subjecting them to murder or manslaughter charges. By doing so, this bill places equal weight on the life of the pregnant person and fetus and ignores unambiguous legal precedent.

For over forty-nine years, the U.S. Supreme Court has made it clear that the U.S. Constitution protects an individual's right to decide whether to have an abortion.<sup>1</sup> Beginning with *Roe v. Wade*<sup>2</sup> the Supreme Court held that the Due Process Clause of the Fourteenth Amendment protects a woman's right to decide to have an abortion, and that the State cannot ban abortion prior to viability; and after viability, the State cannot ban abortion when it is necessary to preserve the life or health of the woman.<sup>3</sup> The Supreme Court has repeatedly affirmed the central holding in *Roe v. Wade*. In *Planned Parenthood v. Casey*, the Court adopted an undue burden test to determine whether a law creates a substantial obstacle to accessing abortion, but still made clear that "a State may not prohibit any woman from making the ultimate decision to terminate her pregnancy before viability."<sup>4</sup> This has been repeatedly reaffirmed by the Supreme Court, including as recently as 2020, in *June Medical Services v. Russo*.<sup>5</sup> As of this writing, all of the states – Alabama, Arkansas, Louisiana, Oklahoma, and Utah – that have attempted to enforce a law that bans abortion at conception or fertilization, like S.B. 504, have been stopped by court order.<sup>6</sup>

Not only is S.B. 504 unconstitutional, it shows an appalling lack of concern for and understanding of the reality of Marylanders' lives, decisions, and health. Pregnant people should be able to get the care they need throughout a pregnancy, and in consultation with those they trust, such as a medical professional, without political interference.

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<sup>1</sup> See, e.g., *Roe v. Wade*, 410 U.S. 113, 153 (1973); see also *Planned Parenthood of Cent. Mo. v. Danforth*, 428 U.S. 52, 72–73 (1976); *City of Akron v. Akron Ctr. for Reprod. Health, Inc.*, 462 U.S. 416, 432–33 (1983); *Hodgson v. Minnesota*, 497 U.S. 417, 434 (1990); *Planned Parenthood of Se. Pa. v. Casey*, 505 U.S. 833, 878 (1992); *Whole Woman's Health v. Hellerstedt*, 136 S. Ct. 2292, 2318 (2016).

<sup>2</sup> *Roe v. Wade*, 410 U.S. 113, 166 (1973).

<sup>3</sup> *Id.* at 163-165.

<sup>4</sup> *Planned Parenthood v. Casey*, 505 U.S. 833, 879 (1992).

<sup>5</sup> 140 S. Ct. 2103, 2135 (2020).

<sup>6</sup> GUTTMACHER INST., *State Bans on Abortion Throughout Pregnancy* (Jan. 1, 2022), <https://www.guttmacher.org/state-policy/explore/state-policies-later-abortions>.



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

***The National Women's Law Center, based in Washington, D.C., is a nonpartisan, non-profit legal and advocacy organization dedicated to the advancement and protection of women's legal rights and opportunities. At the Law Center, we use the law in all its forms to change culture and drive solutions to the gender inequity that shapes our society, and to break down the barriers that harm all of us – especially those who face multiple forms of discrimination.***

# **SB 504 - Equal Protection of Unborn Human Beings A**

Uploaded by: Laure Ruth

Position: UNF

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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**

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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.*

**2022 ACNM SB 504 Senate Side.docx.pdf**

Uploaded by: Robyn Elliott

Position: UNF



**Committee:** Senate Judicial Proceedings Committee  
**Bill Number:** Senate Bill 504  
**Title:** Equal Protection for Unborn Human Life Act  
**Hearing:** February 16, 2022  
**Position:** Oppose

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The Maryland Affiliate of the American College of Nurse-Midwives (ACNM) opposes Senate Bill 504 – Equal Protection for Unborn Human Life Act. In 2019 after state legislatures introduced a record-breaking number of anti-reproductive health measures, ACNM – National issued a statement that “reaffirms its commitment to individual patient autonomy across the spectrum of reproductive health, including abortion.”<sup>i</sup> The Maryland Affiliate of ACNM is opposed to legislation designed to interfere with an individual’s autonomy in making reproductive health decisions. The bill would effectively ban abortion and many infertility treatments as well as criminalize health care providers seeking to support their patients. Therefore, we oppose this legislation and ask for an unfavorable report. If we can provide any additional information, please contact Robyn Elliott at [relliott@policypartners.net](mailto:relliott@policypartners.net).

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<sup>i</sup><https://www.midwife.org/acnm/files/cclibraryfiles/filename/000000007327/ACNM%20Opposition%20Statement%20to%20Threats%20to%20Abortion%20Care%20March%202019.pdf>

**2022 PPM SB 504 Senate Side.pdf**

Uploaded by: Robyn Elliott

Position: UNF

Planned Parenthood of Maryland

**Committee:** Senate Judicial Proceedings Committee

**Bill Number:** Senate Bill 504

**Title:** Equal Protection for Unborn Human Life Act

**Hearing:** February 16, 2022

**Position:** Oppose

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Planned Parenthood of Maryland opposes *Senate Bill 504 – Equal Protection for Unborn Human Life Act*. This unconstitutional measure would effectively ban all abortions in Maryland. The bill would criminalize providers by subjecting them to murder or manslaughter charges. While there is a narrow exception for protecting the life of the mother, the bill places equal weight on the life of the pregnant individual and fetus.

Planned Parenthood of Maryland is opposed to this bill because it is unconstitutional and dangerous. Individuals should have the ability to make their own decisions about pregnancies. Health care providers should be able to support the decisions of their patients without fear of prosecution. A ban on abortion services jeopardizes the health, safety, and welfare of Marylanders.

This bill would also effectively prohibit or restrict some types fertility services. Since the bill provides for equal legal protection of zygotes or fertilized eggs, it could nearly eliminate the use of services such as invitro fertilization. Thus, the bill would deny access to fertility services for Marylanders who are having difficulty conceiving or carrying a pregnancy.

The bill also seeks to ban Medicaid funding for abortion care. We believe that abortion care should be covered just as other pregnancy related services are covered.

Planned Parenthood of Maryland asks for an unfavorable report on SB 504.



**sb504.pdf**

Uploaded by: Sara Elalamy

Position: UNF

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Joseph M. Getty  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Judicial Proceedings Committee  
Senate Finance Committee

**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523

**RE:** Senate Bill 504  
Equal Protection of Unborn Human Beings Act of 2022

**DATE:** February 9, 2022  
(2/16)

**POSITION:** Oppose

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The Maryland Judiciary opposes Senate Bill 504. This legislation would repeal Section 2-103 of the Criminal Law Article and add Title 2.5 “Equal Protection of Unborn Human Beings.”

At Criminal Law Article, § 2A-102(b)(2) the bill declares “null and void” any “federal regulation, executive order, or court decision that purports to supersede, stay, or overrule the provisions” in the bill. That conflicts with established principles of separation of powers between the federal and state governments. The bill, therefore, improperly directs Maryland State courts to treat as null and void certain binding federal law, including case law.

In addition to the principles of separation of powers between the federal and state governments, the bill also violates the separation of powers between the branches of state government in Maryland. Article 8 of the Declaration of Rights in the Maryland Constitution says: “the Legislative, Executive and Judicial powers of Government ought to be forever separate and distinct from each other[.]” The judicial power vested in the Judicial Branch by Article IV of the Maryland Constitution includes the power “to determine whether constitutional limitations have been transcended[.]” *Maryland Committee for Fair Representation v. Tawes*, 228 Md. 412, 426 (1962). The bill, at § 2.5-102(b)(1), seeks to nullify that power of the Maryland Judicial Branch by declaring: “the General Assembly acknowledges as void and of no effect any and all federal **or State** court opinions that would deprive an unborn person of the unborn person’s unalienable right to life as protected by the Fifth and Fourteenth Amendments to the United States Constitution.” (Emphasis added.) Thus, the bill attempts to strip from the Maryland Judicial Branch the power to determine what is, or is not, constitutional in regards to certain matters. In doing so, the bill violates the constitutionally-mandated

separation of powers between the branches of Maryland Government.

cc. Hon. Johnny Ray Salling  
Judicial Council  
Legislative Committee  
Kelley O'Connor