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TO: The Honorable Melony Griffith
Chair, Finance Committee

FROM: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: SB 798 – Declaration of Rights – Right to Reproductive Freedom (**Support**)

The Office of Attorney General (the “OAG”) urges this Committee to favorably report Senate Bill 798. This constitutional amendment, sponsored by President Ferguson, if approved by Maryland voters in the next general election, would enshrine in the Declaration of Rights an individual’s right to reproductive freedom, including and would prohibits the State from denying, burdening, or abridging the right unless justified by a compelling State interest achieved by the least restrictive means. This reproductive freedom will include, but is not limited to, the ability to make and effectuate decisions to prevent, continue, or end one’s own pregnancy.

Following the Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Organization* eliminating federal protections for abortion and permitted the States to severely restrict or ban abortion,¹ 14 states have implemented bans on abortion, and 9 more state have bans on hold. The Court’s decision, and subsequent State bans, have severe consequences on the health and well-being of women and people who can get pregnant across the nation. These restrictions will not end abortion, but instead lead to unsafe procedures with disastrous results.²

¹ *Dobbs v. Jackson Women’s Health Org.*, 213 L. Ed. 2d 545, 142 S. Ct. 2228 (2022).

² UN WOMEN, *Statement: Reproductive Rights are Women’s Rights and Human Rights* (June 24, 2022), <https://www.unwomen.org/en/news-stories/statement/2022/06/statement-reproductive-rights-are-womens-rights-and-human-rights#:~:text=Statement%3A%20Reproductive%20rights%20are%20women's%20rights%20and%20human%20rights,-Page%20navigation%20Page&text=To%20be%20able%20to%20exercise,information%2C%20education%2C%20and%20services.>

This bill letter is a statement of the Office of Attorney General’s policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or sbrantley@oag.state.md.us.

Additionally, the impacts of these decisions fall hardest on people of color, people with disabilities, low-income citizens, and people in rural communities.³

Reproductive freedom allows people who can get pregnant, and their partners, to responsibly decide whether to have children, when to have children, and how many children to have, in an educated and informed manner.⁴ It is a fundamental human right to control what happens to one's own body, and should be free of governmental interference.⁵ It is crucial that Maryland enshrine this right within our Constitution, to protect the health and well-being of women and people who can get pregnant within the State.

Maryland must continue to stand firm and defend the rights of individuals to make their own reproductive decisions. With an anticipated influx of patients and providers leaving other states that have imposed new restrictions on women's healthcare, we must ensure that Maryland is equipped to be a safe haven for these individuals—as well as our own residents—seeking this vital health care.

For the foregoing reasons, the Office of the Attorney General urges a favorable report of Senate Bill 798.

cc: Committee Members

³ Risa Kaufman, et al., *Global Impacts of Dobbs v. Jackson Women's Health Organization and Abortion Regression in the United States*, NAT'L LIB. OF MED. (Nov. 16, 2022), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9673802/#:~:text=In%20overruling%20Roe%20and%20eliminating,may%2C%20in%20fact%20do%20so.>

⁴ UN WOMEN, *supra* note 2.

⁵ *Id.*