



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 995
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March 1, 2023

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. MCASA urges the Economic Matters Committee to issue a favorable report on House Bill 995.

House Bill 995 - Protecting Reproductive Decision-making by Keeping Online Searches Privacy

This bill is aimed at ensuring that the private health information of individuals online is not utilized to prosecute, harass, or intimidate people seeking reproductive health care. Specifically, it provides that a private entity may not collect, use, disclose or disseminate the private health data of a consumer without the consumer's express consent. Among the many things included as health data are medical information, diagnostic testing, treatments, medication, and significantly, legally protected health care, which includes all reproductive health services related to pregnancy, contraception, assisted reproduction, and abortion.

Access to abortion care and information about reproductive options are vital to survivors of rape.

The CDC reports that almost 3 million women in the U.S. experienced Rape-Related Pregnancy (RRP) during their lifetime. <https://www.cdc.gov/violenceprevention/sexualviolence/understanding-RRP-inUS.html>

A three year longitudinal study of rape-related pregnancy in the U.S., published in the American Journal of Obstetrics and Gynecology (1996, vol. 175, pp. 320-325), found:

5% of rape victims of reproductive age (age 12-45) became pregnant as a result of rape, with the majority of pregnancies in adolescents. Of these, half terminated the pregnancy, 5.9% placed the child for adoption, and 32.2% kept the child.

These survivors need to be able to speak with their health care providers without risking civil or criminal prosecution.

Survivors of Reproductive Coercion Need Access to Abortion Care without Fear of Prosecution

Reproductive coercion is a form of intimate partner violence where a woman's partner tries to control reproductive decisions by preventing access to or tampering with birth control, or forcing sexual intercourse with the intent of causing pregnancy. Of women who were raped by an intimate partner, 30% experienced a form of reproductive coercion by the same partner. Specifically, about 20% reported that their partner had tried to get them pregnant when they did not want to or tried to stop them from using birth control. About 23% reported their partner refused to use a condom.

<https://www.cdc.gov/violenceprevention/sexualviolence/understanding-RRP-inUS.html>

These survivors need to be able to speak with their health care providers without risking civil or criminal prosecution.

Reproductive choices for rape survivors depend on the ability to keep personal information private. But it is nearly impossible not to leave an electronic trail when seeking reproductive health information and services.

Access to this data can have very serious consequences. In the wake of the Supreme Court's ruling in *Dobbs v. Jackson Whole Women's Health*, 14 states have already fully or nearly banned abortion, and another ten are expected to do so. Over 300 abortion-related bills have already been filed this year across the country, the majority of which are anti-abortion. With the overturning of *Roe v. Wade*, many of them now target providers.

While historically anti-abortion laws have not targeted those who obtain abortions, that landscape has changed in the past year.

Already the Attorney General of Alabama has announced that the state could seek to penalize pregnant people who take abortion pills, while legislation has been proposed in Louisiana that would see pregnant people facing murder charges for receiving an abortion. Lawmakers in Indiana seek to change the state's criminal statutes to apply to the moment of fertilization. In Arizona, a bill was introduced that included abortion in the state's homicide laws and legislation in Texas was proposed last year that would have made getting an abortion punishable by the death penalty if it had gone into law.

Given the extreme rhetoric and actions of these states, steps must be taken to prevent people's search histories, location data, medical information, and other digitally collected health information from being used by law enforcement agencies investigating or prosecuting abortion-related cases. Unfortunately, rape survivors and others currently have little recourse in this matter, as online data is owned by private companies rather than consumers themselves. For many people, particularly those currently living in states with abortion bans, the internet is the only source for medical information and referrals related to abortion care.

In this post-Dobbs environment, online information will be sought by states and anti-abortion organizations aiming to intimidate rape survivors and other people seeking reproductive health services. The disclosure of online data will put reproductive health patients at risk for civil litigation or even criminal charges. Maryland must stand firm against the efforts to intimidate and prosecute survivors and other seeking information and care.

**The Maryland Coalition Against Sexual Assault urges the
Economic Matters Committee to
report favorably on House Bill 995**