



The Senate of Maryland
ANNAPOLIS, MARYLAND 21401-1991

SB 798 – Declaration of Rights – Right to Reproductive Freedom

Testimony of Senate President Bill Ferguson

On March 1, 2023

Before the Finance Committee

Why This Bill Matters:

Today, it is more important than ever to affirm that in Maryland people have the right to medical and reproductive autonomy. In our State, we have a well-established history of these protections. In 1991, the Maryland General Assembly codified the legal right to abortion, as provided in *Roe v. Wade*. Last year, the General Assembly overrode a veto and enacted the Abortion Care Access Act to remove unnecessary and outdated impediments to reproductive health care.

However, on June 14, 2022, the U.S. Supreme Court overturned *Roe v. Wade* with the *Dobbs* decision. This devastating decision removes constitutional protections for bodily autonomy for everyone in the country. The *Dobbs* decision, though long feared, was still shocking by its sheer extremism. It is not often that deeply entrenched fundamental rights are stripped from people living in America. The Supreme Court's action means that daughters born today have fewer rights than their mothers.

This Supreme Court decision has started a series of extreme attacks on reproductive liberties by states across the country. Fourteen states have already effectively banned abortion with actions pending in several other states. Here in Maryland, the right to bodily autonomy should never be diminished. Instead, we are called to meet those attacks with a full-throated defense of the ability to make one's own health care decisions.

What This Bill Does:

Senate Bill 798 would amend the Maryland Constitution, subject to approval by voters in the next general election, to include reproductive freedom as a constitutional right. Specifically, the bill recognizes that a central component of an individual's rights to liberty and equality contains the fundamental right to reproductive freedom. This includes the right to make decisions regarding their own reproduction, including decisions related to preventing, continuing, or ending one's own pregnancy.

This constitutional amendment sends a crucially important message about what we value as Marylanders. However, it is not just a symbolic gesture. It affords the very highest level of protection

against attacks on reproductive liberties and bodily autonomy. This measure will protect Marylanders now and for all future generations. A constitutional amendment offers the strongest legal protection against infringements on reproductive freedom.

Why You Should Vote for This Bill:

In Maryland, we believe that people have the right to make choices about their own health care with assurances that their decisions are private, protected, and apolitical. We stand at a critical juncture in our history; it is so important we ensure safe, accessible, and stable options for reproductive health care. This bill will enshrine constitutional protections for reproductive liberty, thereby safeguarding the rights of Marylanders now and for future generations.