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The Senate of Maryland
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TESTIMONY OF SENATOR SHELLY HETTLEMAN
SB786

**Reproductive Health Services- Protected Information and Insurance
Requirements**

On June 22, 2022 millions lost the fundamental right of bodily autonomy when the Supreme Court overturned *Roe v Wade* in the *Dobbs* decision and abolished the constitutional right to an abortion. Since that day, fourteen states have implemented abortion bans and the number is growing. Not satisfied to put an end to abortion in their own states, some state officials have begun, and others have threatened, to restrict the ability of their constituents to seek services in other states that provide abortion care.

This is not theoretical. In one example, a prominent law firm was threatened by a Texas legislative caucus with criminal liability for paying for employees' abortion-related travel costs. And, it's not just Texas. States, like Missouri, Oklahoma, and Idaho, that have already severely restricted abortion within their states, have considered legislation that would penalize anyone assisting a resident to obtain abortion care outside that state.

This bill is about protecting patients and providers. It is about closing loopholes and protecting information that put our providers and patients at risk - and potentially at risk beyond our borders. It's about protecting information that could be used by others outside of our state to punish someone who has received reproductive care inside our state. In order to fully protect our patients and providers, we need to:

- Prohibit health records about abortion care and other reproductive health services from flowing across state lines through health information exchanges. If someone who has obtained an abortion in Maryland seeks healthcare in another state, it's extremely likely that provider will have access to that patient's complete record - including the abortion - through a health information exchange. We can stop that at our border. The bill would permit the patient to consent to sharing their record.
- Prohibit the sharing of information about the medicine Mifepristone from being shared without consent. This drug is one of the main medications used in medication abortion and the Food and Drug Administration just recently allowed physicians to prescribe it. Because pharmacy data is routinely integrated into electronic health records, this too will be information shared across state lines. Moreover, out-of-state officials (some of whom are required under their state laws to report on their patients who have received abortions) will know the identities of the prescribing physicians. In addition to posing a threat to these physicians, it will also pose a chilling effect on access to care. The threat of violence is not theoretical. Since the leak of *Dobbs* last spring, three abortion facilities have been set on fire.

- Craft more guardrails to protect providers' personal information under the Maryland Public Information Act. Threats to our health care workers have grown substantially over the years and we have recognized this in recent legislation to protect them in the workplace. This continues our efforts to protect healthcare workers.

Technology has made information sharing unbelievably easy and quick and few of us realize how far and wide our very personal information is being shared. This bill allows us to have control over our own information and protects it as well as protecting the providers who deliver our care. Now, more than ever, we must do all we can to ensure that Maryland remains a safe haven - both for people who seek reproductive care here and for those who provide it. I respectfully request a favorable report on SB 786. Thank you.