

## Testimony of the Human Trafficking Prevention Project

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<b>BILL NO:</b>	Senate Bill 859
<b>TITLE:</b>	Reproductive Health Protection Act
<b>COMMITTEE:</b>	Judicial Proceedings
<b>HEARING DATE:</b>	March 1, 2023
<b>POSITION:</b>	<b>FAVORABLE WITH AMENDMENTS</b>

Senate Bill 798 states unequivocally that Maryland will not participate in the concerted actions of anti-abortion states designed to intimidate Maryland patients and providers and have a chilling effect on the accessing of critical reproductive health care services. The Human Trafficking Prevention Project supports this bill with amendments because it will protect health care providers, patients, and the people who support patients in their reproductive health decisions from criminal charges, civil litigation, and administrative penalties. It is essential that HTPP clients, many of whom are human trafficking survivors, are able to access both reproductive and gender-affirming care seamlessly, which means being able to rely on the service providers with which they interact.

### Why is This Bill Necessary?

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,<sup>1</sup> Some examples include:

- Wyoming – providers face up to 14 years in prison for performing an abortion;<sup>2</sup>
- Nebraska – providers will have license stripped for performing abortion after fetal heartbeat and be found guilty of a felony;<sup>3</sup>
- Iowa – providers face 10 years in prison for prescribing abortion pills;<sup>4</sup> and,
- Idaho – makes transporting minors to obtain an abortion the crime of human trafficking.<sup>5</sup>

These consequences have had the very intentional impact of deterring providers across the country from providing not only abortion care even to save a woman's life, but also pregnancy care, including the delaying of services until complications rise to the level of life-threatening, in order to avoid imprisonment. This legislation is therefore necessary to protect Maryland providers and Maryland patients.

### What Does This Bill Do?

#### Summons & Subpoenas

- Maryland courts may not issue out-of-state subpoenas or summonses for cases involving legally protected health care.

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<sup>1</sup> Many States Impose a Jail Sentence for Doctors Who Perform Abortions Past Gestational Limits, Kaiser Family Foundation, May 22, 2023

<sup>2</sup> WY ST. §35-6-110

<sup>3</sup> NE ST. §28-332

<sup>4</sup> Chen, David W., The New York Times, A New Goal for Abortion Bills: Punish or Protect Doctors, 2/16/23.

<sup>5</sup> Idaho House Bill 98 (2023)

### Foreign Judgments

- Maryland will not honor a foreign judgment if it arises from a claim related to legally-protected health care.

### Extradition

- The Governor SHALL NOT honor another state's extradition request for someone who committed an act in Maryland, or a third state, if it relates to legally-protected health care and would not be a crime in Maryland.

### Interstate Investigations

- No state funds, personnel, property, or other resources may be used to further an interstate investigation or proceeding seeking to impose civil, criminal, or administrative liability related to legally protected health care.

### Provider Licenses

- Health Occupation Boards cannot take adverse actions against a provider because of the provision of, or disciplinary action related to, otherwise lawful legally protected health care.

### Malpractice Insurance

- Insurance providers cannot raise premiums or refuse to renew insurance against a provider because of the provision of, or disciplinary action related to, otherwise lawful legally protected health care.

## **Are There Any Exceptions in This Bill?**

- It does NOT apply to conduct that is subject to criminal, civil, or administrative liability under Maryland law.
- It does NOT apply to a claim brought by a patient who received legally-protected health care.
- It does NOT apply to investigations where the subject of the investigation provides written consent.

Fourteen states, plus the District of Columbia, have already taken action to shield patients and providers from liability related to legally-protected health care, either through Executive Order or statute. Maryland must act now to do the same. We will only have reproductive freedom in Maryland if we shield ourselves from the threats and intimidation tactics of other states. It is worth noting that those providing or pursuing reproductive health care are not the only ones at risk in the current legal and political environment.

## **Inclusion of Gender-Affirming Healthcare**

Across the nation, many states that are seeking to criminalize abortion are simultaneously passing measures to criminalize gender-affirming care and those that seek it.<sup>6</sup> As a result, the HTPP recommends adding measures to include gender-affirming care in the definition of legally-protected health care as it would further protect providers and patients in our state.

Passage of Senate Bill 859 with amendments will ensure that no one ideologically-driven person or state government will be permitted to dictate the ability of any Marylander to make their own decisions about their bodies

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<sup>6</sup> See America College of Physicians, *Attacks on Gender-Affirming and Transgender Health Care* (Nov. 2022), <https://www.acponline.org/advocacy/state-health-policy/attacks-on-gender-affirming-and-transgender-health-care> (explaining that while most gender-affirming care restrictions either criminalize physicians or make them subject to civil penalties or professional discipline through state licensing boards, bills in multiple other states would also establish penalties for parents who facilitate their children's access to gender-affirming care, including by designating this health care as abuse).

or their lives. For trafficking survivors, SB 859 will allow them access to the crucial health care they need and the support they deserve as they work to heal from the trauma of their trafficking experience. For these reasons, the Human Trafficking Prevention Project respectfully urges a favorable report with amendments on Senate Bill 859.

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