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MAYOR

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SB 798

March 28, 2023

TO: Members of the House Health and Government Operations Committee
FROM: Nina Themelis, Interim Director of Mayor's Office of Government Relations
RE: Senate Bill 0798 – Declaration of Rights – Right to Reproductive Freedom
POSITION: SUPPORT

Chair Peña-Melnyk, Vice Chair Cullison, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) supports Senate Bill 0798.

SB0798 establishes that every person has a fundamental right to make their own reproductive decisions. SB0798 explicitly states that the State of Maryland may not interfere in any way with a person making these decisions unless justified by a “compelling state interest” achieved by the “least restrictive means.” This bill seeks to amend the State constitution, and so it also provides that the issue must be submitted as a question before the voters in the next scheduled general election for adoption or rejection.

The *Dobbs v. Jackson Women's Health Organization* court case concerned the constitutionality of a Mississippi law prohibiting abortions after the fifteenth week of pregnancy. It was used to launch an attack on *Roe v. Wade*, which provided federal protections to abortion 50 years ago. On June 24, 2022, the Supreme Court of the United States overturned *Roe* and eliminated the federal constitutional right to abortion. Because of this decision, half of the states are expected to ban abortion. Our legislature has decided to put forth this important issue before the people of Maryland.

Having power and control over one's own body is a basic principle. The access to an abortion is only part of this autonomy – it is part of a much larger conversation about systemic barriers to health care. All residents need access to comprehensive health care, including reproductive health counseling, birth control, abortion, prenatal care, safe childbirth, childbirth spacing, and parenting support. Each service needs to be available, affordable, and accessible so people can make choices that preserve health. The impacts of minimizing access to health care falls disproportionately on the same persons who have always faced systemic barriers to care – communities of color, persons living on low incomes, undocumented immigrants, the LGBTQ+ community, and persons with

disabilities. As such, this bill does not leave this critical issue of liberty and equality to the Supreme Court.

Maryland has been on the forefront of protecting the reproductive rights of residents in the United States. Over the last decade, Maryland lawmakers have passed legislation to uphold protections for reproductive health care services, including abortion. In 2016, the Maryland Contraceptive Equity Act (MCEA) (HB 1005/SB 848) passed, providing all Maryland residents expanded access to birth control, at little to no cost. The MCEA was one of the nation's most comprehensive expansions of insurance coverage for contraception.

For these reasons, the BCA respectfully requests a **favorable** report on SB0798. After the overturning of *Roe*, this bill seeks to preserve the right of persons in Maryland to have power and control over their own body in the State Constitution. This is one of the most important issues of our lifetime.