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BILL NO: House Bill 958  
TITLE: Public Health – Abortion Heartbeat  
COMMITTEE: Health and General Operations  
HEARING DATE: March 16, 2023  
POSITION: **OPPOSE**

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The Women's Law Center of Maryland is dedicated to ensuring the physical safety, the economic security, and the **bodily autonomy** of women throughout the State. One way we work towards this goal is by supporting women in their reproductive decisions if, when, and how they decide to build their families. Part of this support includes working to ensure that reproductive health care is treated equitably and fairly as a medical issue and not a political issue. Because the restrictions proposed in House Bill 958 grossly interfere with a woman's statutory right to make decisions about her pregnancy, the Women's Law Center strongly urges an unfavorable report.

Just last year, the Maryland legislature passed the Abortion Care Access Act (“Act”), expanding access to equitable, safe, and accessible abortion care. In part, this Act expanded the type of medical professionals permitted to provide abortion care<sup>1</sup>. Under this Act, and in line with recommendations of The American College of Obstetricians and Gynecologists, a “qualified provider” includes a physician, nurse practitioner, midwife, physician assistant, and any other licensed medical professional who is qualified under their license to provide abortion services<sup>2</sup>. Despite this, and without medical evidence in support thereof, HB 958 proposes to limit abortion providers strictly to physicians licensed to practice medicine in the State.

In 1992 Marylanders overwhelmingly voted in support of a statutory right to abortion. The statute reads that the State may not interfere with the decision of a woman to terminate a pregnancy: **(1)** Before the fetus is viable; or **(2)** At any time during the woman's pregnancy, if: **(i)** The termination procedure is necessary to protect the life or health of the woman; or **(ii)** The fetus is affected by genetic defect or serious deformity or abnormality. Md. Code Ann., Health Gen. § 20-209. Not only does HB 958 interfere with a woman's right to an abortion by drastically limiting who can provide abortion care, but it sets unwarranted time restrictions on a woman's medical decisions. Although The American College of Obstetricians and Gynecologists have found no medical necessity to require an ultrasound and subsequent 24-hour waiting period prior to an abortion,<sup>3</sup> HB 958 would require both. This Bill would also prohibit a physician from performing an abortion once a fetal heartbeat is detected, again ignoring clinical findings regarding arbitrary gestational ages and safe abortion procedures<sup>4</sup>.

HB 958 is modeled after Texas SB 8 and is essentially a complete ban on abortion. Exceptions are permitted, but only if an abortion is medically necessary, and in those cases, a physician must document the reasons for the abortion. Failure to abide by these requirements would be a felony. Across the country we are already seeing how dangerous abortion restrictions, like those outlined in HB 958, are to women<sup>5</sup>. Last week The Center for Reproductive Rights brought suit against the state of Texas on behalf

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<sup>1</sup> The Network for Public Health, <https://www.networkforphl.org/news-insights/marylands-approach-to-enhancing-access-to-abortion-expanding-scope-of-practice/>

<sup>2</sup> The American College of Obstetricians and Gynecologists, *Abortion Training and Education*, <https://www.acog.org/clinical/clinical-guidance/committee-opinion/articles/2014/11/abortion-training-and-education>

<sup>3</sup> The American Journal of Ethics, *Mandated Ultrasound Prior to Abortion*, <https://journalofethics.ama-assn.org/article/mandated-ultrasound-prior-abortion/2014-04>

<sup>4</sup> The American College of Obstetricians and Gynecologists, *Increasing Access to Abortion*, <https://www.acog.org/clinical/clinical-guidance/committee-opinion/articles/2020/12/increasing-access-to-abortion>

<sup>5</sup> Center for American Progress, *Abortion Bans Will Result in More Women Dying*, <https://www.americanprogress.org/article/abortion-bans-will-result-in-more-women-dying/>

of five women who were each denied access to an abortion that should have fallen within their state's "medical emergency" exception<sup>6</sup>. In Idaho a woman documented her nineteen-day miscarriage on social media after being denied medical care by multiple medical providers concerned with what qualified under the medical exceptions to Idaho's abortion restrictions.

House Bill 958 has complete disregard for the health and safety of Maryland women by placing politics above all. For these reasons, the Women's Law Center urges an **unfavorable** report on House Bill 958.

*The Women's Law Center of Maryland is a private, non-profit legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal representation for individuals and statewide advocacy to achieve systemic change.*

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<sup>6</sup> The Center for Reproductive Health, *Center Sues Texas on Behalf of Women Denied Abortions After Facing Dangerous Pregnancy Complications*, <https://reproductiverights.org/texas-lawsuit-medical-emergency-exceptions-abortion/>