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MAYOR

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SB0859

March 1, 2023

TO: Members of the Judicial Proceedings Committee
FROM: Nina Themelis, Interim Director of Mayor's Office of Government Relations
RE: Senate Bill 859 – Health – Reproductive Health Protection Act
POSITION: Support

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 859.

SB 859 will prohibit people from being required to testify, make a statement, or produce evidence in another state about health care that they received legally in Maryland, even if that health care is illegal in the state where the testimony would be requested. Additionally, the bill would protect doctors or other health care professionals from being disciplined or prosecuted for performing care that is legal in the state in which they performed this action. For example, if a doctor performed an abortion to terminate a non-viable pregnancy in Maryland, the doctor could not then be required to give testimony about this termination in a state where abortion is illegal.

As of January of this year, 12 US states have issued near-total abortion bans, four states have very restrictive gestational bans (outlawing abortion after six to eighteen weeks of pregnancy), and two states have no clinics at which abortion care is available.¹ These 18 states are home to over 25 million women of reproductive age.² Inevitably, some of these people will seek abortion care in other states where it is legal, such as Maryland. We respectfully urge the Committee to protect people from being prosecuted for care that they obtained legally in our state.

One high-profile case of a person seeking abortion care across state lines was the case of a ten-year-old Ohio girl, who was taken to Indiana for a medication abortion after she became pregnant as the result of rape. The doctor who assisted in the abortion has subsequently faced harassment and public outcries about the legality of her actions, although abortion was legal in Indiana at the time.³

¹ Guttmacher Institute. (2023). Six Months Post-Roe, 24 US States Have Banned Abortion or Are Likely to Do So: A Roundup. Retrieved from <https://www.guttmacher.org/2023/01/six-months-post-roe-24-us-states-have-banned-abortion-or-are-likely-to-do-so-roundup>

² Spitzer, E., Weitz, T., and Buchanan, MJ. (2022). Abortion Bans Will Result in More Women Dying. Retrieved from <https://www.americanprogress.org/article/abortion-bans-will-result-in-more-women-dying/>

Without laws such as SB 859, not only could the doctor be required to testify in Ohio, but so could her ten-year-old patient.

Already, we have seen doctors become unsure about what care they can and cannot provide, lest they be subject to legal action.³ Abortion restrictions create legal dilemmas for doctors, who now face the choice of providing sometimes lifesaving care while potentially opening themselves up to prosecution.³ Even some medications that might seem unrelated to abortion, such as medicines for cancer and arthritis, pose legal issues for prescribers because these medications can also be used in high doses to induce abortion.⁴ The American College of Rheumatology has even issued guidance for policymakers, as there is now a lack of clarity around the legality of prescribing methotrexate, one of the most common and inexpensive medications used to treat chronic diseases such as lupus and arthritis.⁵ In this guidance, the College urges policymakers to “protect health professionals and patients who are prescribing or taking methotrexate for rheumatic disease care.”⁵

SB 859 could have resounding positive effects in Maryland and beyond. It would protect people who seek reproductive health services in our state, it could save lives by addressing medical professionals’ confusion about the legality of their practice, and could allow individuals to continue to access medication that they use to maintain their quality of life. For these reasons, the BCA respectfully requests a **favorable** report on SB 859.

³ Simmons-Duffin, S. (2022, June 24). For doctors, abortion restrictions create an 'impossible choice' when providing care. *NPR*. Retrieved from <https://www.npr.org/sections/health-shots/2022/06/24/1107316711/doctors-ethical-bind-abortion>

⁴ Shepherd, K. and Sellers, F.C. (2022, August 8) Abortion bans complicate access to drugs for cancer, arthritis, even ulcers. *The Washington Post*. Retrieved from <https://www.washingtonpost.com/health/2022/08/08/abortion-bans-methotrexate-mifepristone-rheumatoid-arthritis/>

⁵ American College of Rheumatology. (2022). Guiding Principles for Policymakers on Methotrexate Access Following the Dobbs Decision. Retrieved from <https://www.rheumatology.org/Portals/0/Files/Methotrexate-Guidance-Policymakers.pdf>