



Health and Government Operations Committee

HB 812 – Reproductive Health – Protected Information and Insurance Requirements

March 2, 2023

Favorable

The Maryland Affiliate of the American College of Nurse Midwives (ACNM) supports *House Bill 812 – Reproductive Health – Protected Information and Insurance Requirements*. Without this legislation, Maryland patients and providers will be placed at great legal risk for the provision of abortion and other reproductive health care within our state borders.

On June 22, 2022, millions of Marylanders lost the fundamental right of bodily autonomy. With the *Dobbs* decision, the U.S. Supreme Court overturned *Roe v Wade* and eliminated constitutional protections for abortion rights. Justice Clarence Thomas also suggested that other protections, such as the right to birth control, may also be called into question.

Since the *Dobbs* decision, fourteen states have implemented abortion bans, including our neighboring state of West Virginia. By the end of this year, we could see about half the states banning or severely restricting abortion. These restrictive states, however, do not seem content to just stopping abortion within their states. Instead, they are adopting aggressive tactics to intimidate and even criminalize residents who travel out-of-state to seek abortion care. These tactics are creating a chilling effect on providers in states like Maryland. Abortion remains protected in our state, but our providers are frightened of attempts of restrictive states to impose criminal, civil, and administrative penalties.

We implore the Maryland General Assembly to protect Maryland abortion providers and their patients. Nurse-midwives, along with our physician and nurse practitioner colleagues, are struggling to provide reproductive health care to Marylanders and out-of-state patients alike. We are afraid of the long-arm of the law of states like Texas, and we no longer believe the Supreme Court will protect us.

We ask you to pass the 2023 Reproductive Freedom package, which includes this legislation along with *SB 859/HB 808 – Reproductive Health Protection Act*. The *Reproductive Health Protection Act* would protect us within the state of Maryland, as the state could not participate in out-of-state investigations of legally protected care. However, that bill cannot protect us beyond Maryland's borders. Electronic health records, which contain abortion information, flow routinely across state borders through health information exchange. This means that any restrictive state that issues a court order to one of our patient's out-of-state provider will be able to obtain abortion records – putting us, our provider colleagues, and our patients in legal jeopardy. We need *SB 786/HB 812* to protect our patient's abortion records – and by doing so, protecting them and us.

We ask for a favorable report and to make this bill into emergency legislation. We and our patients are at great risk now. We cannot wait much longer for protection. If we can provide any additional information, please contact Robyn Elliott at relliott@policypartners.net.