



MID-ATLANTIC ASSOCIATION OF
COMMUNITY HEALTH CENTERS



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TO: The Honorable William C. Smith, Jr., Chair
Members, Senate Judicial Proceedings Committee

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DATE: March 1, 2023

RE: **SUPPORT** – Senate Bill 859 – *Reproductive Health Protection Act*

On behalf of the Maryland State Medical Society, the Maryland Chapter of the American Academy of Pediatrics, the Mid-Atlantic Association of Community Health Centers, and the Maryland Section of the American College of Obstetricians and Gynecologists, we submit this letter of **support** for Senate Bill 859.

As a result of the *Dobbs* decision that overturned *Roe v. Wade*, the fundamental right to body autonomy and the constitutional protections for abortion rights and other reproductive rights protections were lost. On June 22, 2022, millions of Marylanders lost the fundamental right of bodily autonomy. Following the *Dobbs* decision, fourteen states have implemented abortion bans, including our neighboring state West Virginia. Many other states have laws under consideration that would severely restrict or ban abortion rights. These bills often do not only ban abortions but also threaten providers and support networks that support residents seeking care in other States. They often seek to criminalize patients, abortion care providers, and support networks. Many not only ban abortion within their State's borders but also seek to prevent residents from traveling out of state. These initiatives are intended to have a chilling effect in states that protect abortion rights, such as Maryland, as providers may discontinue providing abortion care and other reproductive health services out of fear of prosecution by other States, thereby severely limiting access to care across the country and, potentially, in Maryland.

Senate Bill 859 is a critically important initiative that will shield patients, providers, and support networks from intimidation and legal action. The bill creates a "shield" against criminal, civil, and administrative penalties related to legally protected health care. Legally protected health care includes abortion, contraception, miscarriage management, fertility treatment, and reproductive health care. The bill contains similar elements as other shielding bills enacted by other states where abortion rights are protected: California, Connecticut, District of Columbia, Delaware, Illinois, Massachusetts, New Jersey, and New York. There is an expectation that several other states will be actively consider shielding

legislation this year.

Maryland's shielding bill includes: restrictions on using state resources to support out-of-state investigations of legally protected care; a prohibition on issuing subpoenas or other court orders related to legally protected care; limitations on extraditions related to legally protected care where the law already provides for discretion of the Governor to make such decisions; protections for health care practitioners in being disciplined by a Maryland health occupational board for an adverse action taken by an out-of-state board related to the provision of reproductive health care that would have been legal in Maryland; and a prohibition on malpractice insurers raising rates if health care practitioners are disciplined by out-of-state boards for legally protected care.

Senate Bill 859 will ensure that reproductive health services remain accessible in Maryland to in-state and out-of-state residents. We also note that the legislature should consider a similar measure for gender-affirming care, as states that have banned abortion care are now enacting restrictions on gender affirming care. A favorable report is requested.