



TESTIMONY TO THE JUDICIAL PROCEEDINGS COMMITTEE

SB0859: Reproductive Health Protection Act

POSITION: Support

BY: Nancy Soreng, President

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The League of Women Voters Maryland supports **Senate Bill 859: Reproductive Health Protection Act**, which would shield patients, support personnel, and medical providers from out-of-state prosecution for participating in legally-protected health services obtained in Maryland.

The League supports the rights of individuals to self-determination related to bodily autonomy, privacy, and reproductive health, including whether to prevent, continue, or end one's own pregnancy.

Following the Dobbs v. Jackson Women's Health Organization decision last year repealing the constitutional right to abortion, individual states were given the power to determine their residents' access to reproductive health care. While some states affirmed abortion rights, others instituted abortion restrictions or absolute bans. **And some of these latter states are attempting to regulate the delivery of reproductive health care services outside their borders.** A key component of that regulation is attempts by state courts to prosecute their residents traveling to obtain abortion care in another state where it remains legal, as well as volunteers rendering support, and medical personnel delivering that care. Some of those states have proposed or enacted legislation allowing **private citizens** to sue anyone who helps a pregnant person obtain an abortion in a state where the procedure is legal.

The Reproductive Health Protection Act would shield a person undergoing, assisting, or providing a legally-protected abortion in Maryland. It would prohibit judges in other states where abortion is banned from requiring testimony or documentation in a case seeking to impose civil or criminal liability against an individual for any activity within our state associated with legally-protected health care. Medical providers would also not be subject to administrative or disciplinary sanctions, such as loss of licensure.

Passage of Senate Bill 859 would erect and reinforce safeguards both for patients who are receiving legally-protected health care in Maryland, as well as for the clinicians providing it.

Per Attorney General Merrick Garland's statement on the day of the Dobbs' decision:¹
...the Constitution continues to restrict states' authority to ban reproductive services provided outside their borders...Under bedrock constitutional principles, women who reside in states that have banned access to comprehensive reproductive care must remain free to seek that care in states where it is legal. Moreover, under fundamental First Amendment principles, individuals must remain free to inform and counsel each other about the reproductive care that is available in other states.... The [Justice] Department will continue to protect healthcare providers and individuals seeking reproductive health services in states where those services remain legal....

With a federal judge's pending decision expected to limit or altogether eliminate the availability of medication abortions in any state, many more people will be traveling to Maryland for surgical abortion procedures. Legislation to protect both them and our Maryland providers from out-of-state prosecution will be even more important.

The League affirms its support for an individual's right to make reproductive choices. That must include protection from out-of-state prosecution of both the patient who travels to Maryland for essential medical care, and of our medical providers who deliver it. For that reason, the League and its 1,500+ members urge the committee to give a favorable report to Senate Bill 859.

¹ <https://www.justice.gov/opa/pr/attorney-general-merrick-b-garland-statement-supreme-court-ruling-dobbs-v-jackson-women-s>