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Maryland Senate Finance Committee
3 East Miller Senate Office Building
Annapolis, Maryland

RE: SUPPORT Senate Bill 848, Public Health Abortion Grant Program

Dear Committee Members:

The National Women’s Law Center (“The Law Center” or “NWLC”), based in Washington, D.C., is a non-profit legal and advocacy organization dedicated to the protection and advancement of gender justice. The Law Center is submitting comments in support of Senate Bill 848, creating a Public Health Abortion Grant Program.¹ We urge the Committee to advance this innovative bill that, if passed, would meet a critical need.

At the Law Center, we use the law in all its forms to change culture and drive solutions to the gender inequity that shapes our society and to break down the barriers that harm all of us – especially those who face multiple forms of discrimination. We know that access to critical health care, including abortion care, is vital to gender equity. Specifically, abortion access is critical to our economic security and ability to determine our own futures.² We know that states like Maryland also understand this fundamental principle, given its leadership in protecting reproductive freedom. Access to abortion has been increasingly restricted or outright banned around the country since the Supreme Court’s erroneous decision in *Dobbs v. Jackson Women’s Health Organization*,³ and we commend the tireless work in states like Maryland, where lawmakers and advocates have advanced critical protections for people who seek abortion care.

Passing SB 848 would demonstrate Maryland’s continued leadership in protecting abortion care access and, in effect, would improve economic security for people with the capacity for pregnancy. It would also be a crucial step in guaranteeing the right to reproductive freedom – a freedom that an overwhelming majority of voters in Maryland agree is fundamental.⁴ As such, NWLC strongly supports SB 848’s passage.

¹ Md. Senate Bill 848, Reg. Sess. 2025.

² Amy K. Matsui, *Abortion Access Is Critical to Economic Security*, NATIONAL WOMEN’S LAW CENTER (July 18, 2022), <https://nwlc.org/abortion-access-is-critical-to-economic-security/>.

³ 597 U.S. 215 (2022).

⁴ The State Board of Elections of Maryland, *Official 2024 Presidential General Election Results for Question 1* (Dec. 5, 2024), https://elections.maryland.gov/elections/2024/general_results/gen_qresults_2024_1.html.

I. SB 848 advances economic justice and, as a result, is a step towards gender justice.

The intersecting legal and public health crises with respect to pregnancy and reproductive health care continue to intensify following the Supreme Court’s erroneous decision in *Dobbs*. With abortion bans and restrictions becoming even more widespread, seeking abortion care has become even more cumbersome and costly. According to a study, published in November 2024, of patients in the U.S. seeking abortion care before *Dobbs*, “many [abortion seekers] and their households were estimated to incur [catastrophic health expenditures], particularly those traveling from out of state.”⁵ The study’s authors acknowledged that the burdens have likely exacerbated following the Supreme Court’s overturning of *Roe v. Wade*: “the financial and psychological burdens of abortion seeking have likely worsened after the *Dobbs* decision, as more people need to cross state lines to reach abortion care.”⁶ This prediction has become reality—there has been a surge of out of state travel for abortion care, with data showing that the proportion of people crossing state lines to seek an abortion doubled in 2023, as compared to 2020.⁷

Deciding when and whether to have a child is one of the most significant economic decisions a person can make. According to data from the Guttmacher Institute, “the majority of people who get an abortion are already struggling to make ends meet: 71% of abortion patients have low incomes and the majority are already parents.”⁸ Studies show that being denied an abortion can increase the amount of debt 30 days or more past due by 78%, and it can also increase the rate of bankruptcies and evictions by 81%.⁹

Conversely, access to reproductive care is critical to ensure economic wellbeing.¹⁰ Access to family planning services, including abortion care, has a significant impact on people’s ability to control their futures, allowing individuals to have higher career goals and aspirations, as well as plan better for their future.¹¹ A study found that “women who live in states with Medicaid funding for abortion are more likely to change occupations year-over-year, which is linked to higher earnings and better job matches, compared to women who

⁵ Ortal Wasser, et al., *Catastrophic Health Expenditures for In-State and Out-of-State Abortion Care*, JAMA NETWORK (Nov. 8, 2024), <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2826000>.

⁶ *Id.*

⁷ Kimya Forouzan et al., *The High Toll of US Abortion Bans: Nearly One in Five Patients Now Traveling Out of State for Abortion Care*, GUTTMACHER INSTITUTE (December 2023), <https://www.guttmacher.org/2023/12/high-toll-us-abortion-bans-nearly-one-five-patients-now-traveling-out-state-abortion-care>.

⁸ Guttmacher Institute, *10 Points to Consider When Engaging with Policy Debates Around Abortion* (October 2024), <https://www.guttmacher.org/fact-sheet/10-points-consider-when-engaging-policy-debates-around-abortion>.

⁹ Sarah Miller et al., *The Economic Consequences of Being Denied an Abortion*, NATIONAL BUREAU OF ECONOMIC RESEARCH (Jan. 2020, rev. Jan 2022), <https://www.nber.org/papers/w26662>.

¹⁰ Kate Bahn & Emilie Openchowski, *What The Research Says About The Economic Impacts Of Reproductive Care*, WASHINGTON CENTER FOR EQUITABLE GROWTH (June 2022), <https://equitablegrowth.org/wp-content/uploads/2022/06/062722-repro-care-fs.pdf>.

¹¹ See, e.g., *id.*

live in states that do not have public insurance funding for abortion care.”¹² When women¹³ have the ability to control when they start a family, their wages can significantly increase.¹⁴ Access to reproductive health care is particularly important for women of color, who face added barriers due to systemic racism.¹⁵ For example, Black women see a 10% increase in their earnings as a result of having the ability to control when and whether to have children.¹⁶

Our ability to decide when and whether to have a child is fundamental to our economic security. With economic security, we are able to plan for a better future both for ourselves and our families. It is in that vein that SB 848 promotes economic justice. With the Abortion Grant Program of SB 848, abortion seekers in Maryland would face one less hurdle in accessing care. If passed, this bill would generate a significant positive impact towards economic and gender justice.

II. SB 848 is an allowable and much needed use of funds.

The majority of people seeking abortion care are already in difficult financial situations, struggling to make ends meet.¹⁷ Seventy one percent of people who obtain abortion care have low incomes.¹⁸ The decision to have an abortion can be costly. The cost of abortion care can depend on several factors, including (but not limited to) the method of abortion care obtained, gestational duration, and location where the person who wants or needs an abortion lives or seeks care. Thanks to the Affordable Care Act (“ACA”), millions of women gained health insurance coverage.¹⁹ Yet, the ACA treated abortion differently than other kinds of medical care. Rather than requiring coverage of abortion care, it allows states to prohibit insurance plans from covering abortion, and in the absence of a ban, allows insurance plans to decide for themselves whether to cover abortion. This means that,

¹² *Id.* (Describing findings from another study conducted by the author.)

¹³ We use “women” in reference to the studied populations in the cited research; however, we recognize that abortion access impacts all people who may become pregnant, including cisgender women, transgender men, and non-binary people.

¹⁴ Kate Bahn & Emilie Openchowski, *What The Research Says About The Economic Impacts Of Reproductive Care*, WASHINGTON CENTER FOR EQUITABLE GROWTH (June 2022), <https://equitablegrowth.org/wp-content/uploads/2022/06/062722-repro-care-fs.pdf>. (Describing a study by Ali Abboud at The Ohio State University.)

¹⁵ See, e.g., *id.*

¹⁶ *Id.*

¹⁷ Most abortion seekers say they cannot afford a child or another child. See, e.g., Heather D. Boonstra, *Abortion in the Lives of Women Struggling Financially: Why Insurance Coverage Matters*, GUTTMACHER INSTITUTE (July 14, 2016), <https://www.guttmacher.org/gpr/2016/07/abortion-lives-women-struggling-financially-why-insurance-coverage-matters>.

¹⁸ Guttmacher Institute, *10 Points to Consider When Engaging with Policy Debates Around Abortion* (October 2024), <https://www.guttmacher.org/fact-sheet/10-points-consider-when-engaging-policy-debates-around-abortion>.

¹⁹ National Women’s Law Center, *Millions Of Women Have Gained Health Insurance Coverage Thanks To The Affordable Care Act* (April 11, 2018), <https://nwlcc.org/resource/millions-of-women-have-gained-health-insurance-coverage-thanks-to-the-affordable-care-act/#>.

unlike other forms of sexual and reproductive health care, abortion care is not always covered by insurance plans. In 2021-2022, for example, over 50% of people paid out of pocket for their abortion care.²⁰ Although some insurance plans cover abortion care, most people who access abortion care in the U.S. pay out of pocket due to insurance coverage restrictions on abortion.²¹ Even when a person's insurance plan does include abortion care coverage, a person may choose not to cover the cost of their abortion through their insurance due to privacy concerns.²² Because of the Hyde Amendment and restrictions in the ACA on the use of federal financial assistance (in the form of tax credits and cost-sharing reduction payments) to pay for abortion services beyond limited exceptions, there are no federal funds that go towards the payment of abortion care services,²³ even though there is federal funding that goes towards other forms of sexual and reproductive health care.

Moreover, the overall cost of getting an abortion often goes beyond just the cost of care. Factors that can contribute to abortion-related expenses include the costs of transportation, time off work, and child care. In fact, the need for logistical support and inability to cover those costs are so great and common that abortion funds often offer practical support, like travel, child care, and translation services, in addition to financial support for the cost of the procedure itself.²⁴

If passed, SB 848 would be the first program of its kind in the United States and could serve as a model for other states wanting to advance gender justice. Notably, the funds of SB 848's Abortion Grant Program would come from the premium funds collected in accordance with Section 1303 of the Affordable Care Act, a provision that is intended to make insurance coverage of abortion care burdensome by imposing segregation of fund and administrative requirements on insurance companies who cover abortion beyond limited exceptions. The ACA requires those plans to create a separate allocation account made up of consumer contributions from the premium they pay, which can only be used to pay for abortion services beyond limited exceptions. This allocation account already exists and would be the source of funding for SB 848's grant program. As a result of this allocation account, taxes will not increase for Marylanders for the purpose of funding this grant. In fact, no taxpayer funding would go towards this grant program at all.

²⁰ Guttmacher Institute, *Abortion in the United States* (June 2024), <https://www.guttmacher.org/fact-sheet/induced-abortion-united-states> ("More than half (53%) of people paid out of pocket for their abortion in 2021–2022.").

²¹ Ortal Wasser, et al., *Catastrophic Health Expenditures for In-State and Out-of-State Abortion Care*, JAMA NETWORK (Nov. 8, 2024), <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2826000>.

²² For example, a person may not want to proceed through their insurance plan because they do not want their explanation of benefits sent to the insurance plan policy holder.

²³ Alina Salganicoff, et al., *The Hyde Amendment and Coverage for Abortion Services Under Medicaid in the Post-Roe Era*, KFF (March 14, 2024), <https://www.kff.org/womens-health-policy/issue-brief/the-hyde-amendment-and-coverage-for-abortion-services-under-medicaid-in-the-post-ro-roe-era/>. Note: The Hyde Amendment permits federal funding of abortion care only in very narrow exceptions.

²⁴ National Network of Abortion Funds, *Common Questions*, <https://abortionfunds.org/need-an-abortion/common-questions-abortions-abortion-funds/>.

The funding granted through SB 848’s Abortion Grant Program would go exclusively towards the costs of clinical abortion services. Abortion funds are eligible to receive grants through this program, and the Program’s grants related to clinical abortion services would free up some of the abortion funds’ funding so that it may go towards much needed practical support instead. This is of particular importance given that donations to abortion funds have recently decreased drastically, and, as a result, abortion funds are struggling to meet the increasing need for support.²⁵

SB 848’s passage would be protecting a fundamental right in Maryland. When 76% of Maryland voters voiced their strong support for Question 1 in the 2024 election, Marylanders made their voices clear: an individual has a fundamental right to reproductive freedom, which includes terminating a pregnancy.²⁶ In passing SB 848, Maryland would maintain its legacy as a leader in protecting reproductive freedom. SB 848’s passage would give meaning to the saying “put one’s money where one’s mouth is” - it would help make a right a reality for many people seeking abortion care in Maryland.

Senate Bill 848 and its innovative and allowable use of funds is an important step in advancing both economic and gender justice. Importantly, the program laid out in SB 848 could serve as a model for other states looking to protect abortion access and promote abortion seekers’ economic wellbeing. No one should have to worry about cost when seeking essential health care. We all deserve the ability to control our bodies and our futures. The National Women’s Law Center urges Maryland’s Senate Finance Committee to advance Senate Bill 848.

Sincerely,



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National Women’s Law Center

²⁵ Nathaniel Weixel, ‘Rage’ Abortion Donations Dry Up, Leaving Funds Struggling To Meet Demand, THE HILL (Jan. 28, 2024), <https://thehill.com/policy/healthcare/4432629-rage-abortion-donations-dry-up/>.

²⁶ The State Board of Elections of Maryland, *Official 2024 Presidential General Election Results for Question 1* (Dec. 5, 2024), https://elections.maryland.gov/elections/2024/general_results/gen_qresults_2024_1.html.