

CENTER *for* REPRODUCTIVE RIGHTS

NEW YORK

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March 4, 2024

VIA ELECTRONIC MAIL

Re: Letter in Support of Senate Bill 848, the Public Health Abortion Grant Program

Dear Senators:

The Center for Reproductive Rights (“The Center”) is a legal advocacy organization that uses the power of law to advance reproductive rights as fundamental human rights around the world. As a part of our mission, we aim to ensure that all people have meaningful access to abortion care services.

The Center supports Senate Bill 848 (“S.B. 848”).

S.B. 848 would allow nonprofit abortion funds and health care providers who provide abortion care to access grants to cover the cost of abortion care clinical services. These grants will be provided at no additional cost to the state or taxpayers, increase access to abortion care for Maryland residents, and ensure that health care providers are able to continue providing abortion care to Maryland residents and people traveling to the state for care.

In 2022, the Supreme Court decided *Dobbs v. Jackson Women’s Health Organization* (“*Dobbs*”), overturning *Roe v. Wade* and allowing states to ban and greatly restrict abortion. Abortion is currently illegal in twelve states, including West Virginia, which shares a border with Maryland.¹ Additional states have enacted restrictive gestational bans, with Florida, Georgia, and South Carolina currently enforcing six-week bans. These state laws leave millions of people without access to critical medical care, forcing many people to travel thousands of miles to receive this care.

Many of these people, particularly people who live in the South, are traveling to Maryland for care. Clinics across the state have seen an increase in out-of-state patients in the years since *Dobbs*.² Maryland is an

¹ *After Roe Fell: Abortion Laws by State*, CENTER FOR REPRODUCTIVE RIGHTS <https://reproductiverights.org/maps/abortion-laws-by-state/> (last accessed Feb. 25, 2025).

² Danielle J. Brown, *Two years after Dobbs: How Maryland fits in the shifting landscape of abortion access*, MARYLAND MATTERS (Jun. 24, 2024)

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access point for patients, in part because the state eliminated many unnecessary restrictions on abortion. The state has also enacted interstate shield laws which protect providers, patients, and people who help others access abortion care, like nonprofit abortion funds, from out-of-state criminal and civil consequences. Providers and helpers are protected from extradition, civil judgments, and subpoenas from states where abortion is illegal.³ These shield protections are vital, since states where abortion is illegal are becoming bolder, bringing prosecutions and civil suits against abortion providers who provide care in states where abortion is legal.⁴

Now more than ever, people who need abortion care will likely travel to states where abortion is protected and where providers and helpers have the protection of shield laws. For many people in the South, Maryland is the closest place where they can access abortion care from providers who will be protected from out-of-state criminal and civil consequences.

Maryland's abortion providers and abortion funds have stepped up to provide care to increasing numbers of people from across the country, while continuing to provide care for Maryland residents. As a result, providers and funds are stretched thin. Providers and funds must often cover the cost of procedures for people from other states. Patients traveling for care are unable to use another state's Medicaid plan to cover the cost of a procedure,⁵ or may come from a state that prohibits private insurance plans from covering abortion care.⁶ The needs of these patients must be balanced with the needs of Maryland residents, some of whom may not have insurance or may be unable to use their insurance for fear

<https://marylandmatters.org/2024/06/24/two-years-after-dobbs-how-maryland-fits-in-the-shifting-landscape-of-abortion-access/>.

³ MD. CODE ANN., STATE PERS. & PENS. § 2-312; MD. CODE ANN., CRIM. PROC. § 9-106(b); MD. CODE ANN., CTS. & JUD. PROC. § 9-402.

⁴ Amanda Friedman and Alice Miranda Ollstein, *Louisiana challenges abortion shield laws with indictment of New York telehealth doctor*, POLITICO (Jan. 31, 2025, 4:44 PM) <https://www.politico.com/news/2025/01/31/abortion-shield-laws-louisiana-challenge-010223>; Pam Belluck and Mary Best Gahan, *Texas Judge Fines New York Doctor and Orders Her to Stop Sending Abortion Pills to Texas*, THE N.Y. TIMES (Feb. 13, 2025) <https://www.nytimes.com/2025/02/13/health/texas-new-york-abortion-pills-lawsuit.html>.

⁵ See e.g. Maurie Backman, *Can I use my Medicaid coverage in any state?* HEALTHINSURANCE.ORG (Aug. 22, 2024) <https://www.healthinsurance.org/faqs/can-i-use-my-medicaid-coverage-in-any-state/>.

⁶ See e.g. ALA. CODE § 26-23C-3 (prohibiting private insurance coverage of abortion); S.C. CODE ANN. § 38-71-238 (prohibiting private insurance coverage of abortion); TENN. CODE ANN. § 56-26-134 (prohibiting private insurance coverage of abortion).

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of an abusive partner or other person gaining access to their confidential medical information.

S.B. 848 provides direct grants to abortion providers and abortion funds which will allow them to continue providing necessary healthcare to Maryland residents and to people across the country traveling to the state for care. This groundbreaking bill can serve as a model for other states, ensuring access to care and providing financial support to providers and abortion funds, all at no additional cost to the state or taxpayers.

For these reasons, the Center for Reproductive Rights supports S.B. 848. Thank you for the opportunity to provide testimony, and please do not hesitate to contact me if you have questions or would like further information.

Sincerely,



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Center for Reproductive Rights
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