



## TESTIMONY TO THE SENATE FINANCE COMMITTEE

### **SB1: Legally Protected Health Care- Reproductive, Fertility Preservation, and Contraceptive Treatment and Services (IVF and Contraception Shield Act of 2025)**

**POSITION:** Support

**BY:** Linda Kohn, President

**DATE:** January 23, 2025

The League of Women Voters Maryland supports **Senate Bill 1: IVF and Contraception Shield Act of 2025**, which would provide an additional layer of legal protection ensuring Marylanders' right to reproductive health care.

**The League has a long history of affirming the right of individuals to self-determination related to bodily autonomy, privacy, and reproductive health.** The League's 1983 *Position on Public Policy on Reproductive Rights* states that **"Public policy in a pluralistic society must affirm the constitutional right of privacy of the individual to make reproductive choices."** During the 1993-1994 health care debate, the League pressed for inclusion of reproductive services in any health care reform package. And in 2012 the League successfully fought against attempts in Congress to allow an employer or provider with a "religious or moral" objection to exclude certain healthcare services, including reproductive health care, from coverage under the ACA.

The League continues to advocate to protect each individual's right to make their own reproductive health choices. However, those rights are currently being eroded in both state and federal decisions.

In February 2024, in an effort to codify fetal and embryonic "personhood," the Alabama Supreme Court ruled that human embryos created through IVF (in vitro fertilization) can be considered "unborn children located outside a biological uterus" under the state's Wrongful Death of a Minor law.<sup>1</sup> Following that decision, IVF services were immediately halted in many areas, as providers of assisted reproduction services and their patients were uncertain of the legal implications of the ruling, including their person civil or criminal liability.

Similarly, the right to contraception, long-considered a fundamental part of health care, is being called into question by recent legal decisions. In his concurring opinion on the 2022 Supreme Court *Dodds* decision, **Justice Clarence Thomas argued that the Court "should**

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<sup>1</sup> <https://www.guttmacher.org/2024/05/first-quarter-2024-state-policy-trends>

**reconsider” its past rulings,<sup>2</sup> including *Griswold vs Connecticut*-** which held that as the Due Process Clause of the Fourteenth Amendment protects the right to privacy, it protects the legal right to use contraception, despite any attempt by a state to make the use of contraception illegal.

With these decisions, state courts and state legislatures have become even more important in protecting reproductive rights-- those personal choices that are fundamental to personal dignity and autonomy. **Passage of this bill would be a strong step to ensure that reproductive health care, including assisted reproduction, fertility preservation, and contraception, will remain accessible and legally protected health care in Maryland.**

**For this reason, the League of Women Voters and its 1,500+ concerned members throughout Maryland, strongly urges a favorable report on Senate Bill 1.**

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<sup>2</sup> <https://www.politico.com/news/2022/06/24/thomas-constitutional-rights-00042256>