

Unfavorable Written Testimony on House Bill 1186

To: The Maryland House of Delegates

From: Brenda Myers

Date: March, 4, 2025

Re: Opposition to House Bill 1186

Honorable Members of the House Judiciary Committee,

I write today to express my strong opposition to House Bill 1186, which seeks to criminalize the administration of abortion-inducing drugs under circumstances involving fraud, coercion, force, or threat of force. While the bill claims to protect individuals from reproductive harm, its broad language and punitive measures create serious constitutional concerns and violate fundamental legal principles under Maryland's Constitution and the U.S. Constitution.

1. HB 1186 is Overbroad and Vague, Inviting Constitutional Challenges

The bill's language is overly broad, failing to provide a clear standard for what constitutes "knowingly and willfully causing another to ingest an abortion-inducing drug." The inclusion of subjective elements such as "knows or believes that the other person is pregnant" invites arbitrary enforcement and raises significant **due process concerns under the Fourteenth Amendment**. Criminal statutes must be clear and precise; otherwise, they risk violating the constitutional requirement that laws provide adequate notice of prohibited conduct.

2. HB 1186 May Violate Equal Protection Guarantees

Maryland's Constitution guarantees **equal protection under the law**, yet HB 1186 applies extreme sentencing provisions (up to 25 years of imprisonment) in a manner that disproportionately impacts marginalized groups. Given the well-documented racial and socioeconomic disparities in the criminal justice system, this bill could exacerbate unjust incarceration rates while failing to effectively address the very issue it claims to remedy.

3. HB 1186's Punitive Approach Contradicts Maryland's Public Health and Reproductive Rights Protections

Maryland has long been a leader in **protecting reproductive rights and bodily autonomy**. HB 1186 creates an unnecessary and dangerous precedent by **expanding criminal liability** in a way that could chill legitimate reproductive healthcare access. This law risks **discouraging medical providers from offering care** out of fear that they could be subject to extreme penalties under ambiguous circumstances.

4. The Bill Conflicts with Constitutional Rights to Personal Autonomy

Under **Planned Parenthood v. Casey (1992)** and subsequent Supreme Court rulings, **personal autonomy in reproductive healthcare decisions** is constitutionally protected. While states can regulate medical procedures, laws like HB 1186 that **criminalize conduct with excessive penalties and vague definitions infringe upon fundamental rights**. Maryland courts have consistently recognized **privacy protections**, and this bill invites unnecessary litigation over its enforceability.

Conclusion: HB 1186 is Unconstitutional and Should Not Advance

Rather than imposing **draconian criminal penalties**, Maryland should continue its commitment to **evidence-based policies** that address reproductive health through public education, medical support, and survivor assistance programs. HB 1186, as drafted, raises **serious constitutional concerns**, risks **misapplication of justice**, and could **negatively impact reproductive healthcare** in Maryland. For these reasons, I urge the Committee to issue an **UNFAVORABLE REPORT** on HB 1186 and reject this deeply flawed proposal.

Respectfully Submitted,
Brenda Myers

Hampstead, Maryland