

HB 1143: Lung Float Test Ban

Position - Favorable with amendments

March 24, 2026

To the Honorable Chair and Members of the Senate Finance Committee

My name is Lesley Frost and I am the Chair of National Council of Jewish Women, Maryland State Policy Advocacy Committee (NCJW MD SPA) and I am writing to express strong support for HB 1143: Lung Float Test Ban.

This bill would ban Medical Examiners from administering the so called Lung Float test in our state. This is a hydrostatic test that has been used in the United States and elsewhere as part of legal processes involving suspected infant or neonatal deaths. This test, however, has been deemed wholly unreliable by pathologists and forensic experts.

In a Position Paper, the National Association of Medical Examiners concluded that "The lung float procedure is of questionable value and is without clearly defined error rates. There is, therefore, no reason to mandate its performance..... Those who use the lung float should be wary of accepting the results when it conforms to their summation of the findings and rejecting the result if it conflicts; a "test" used in such a manner inevitably becomes more dangerous than useful."

Since the Dobbs decision there is a growing trend for people to be investigated, prosecuted, and punished for the outcomes of their pregnancies, including miscarriage, stillbirth, or self-managed abortion. The "lung float" test, despite its documented inaccuracy, is used to help determine if a baby was born alive or dead. and entered into evidence by prosecutors, including in Maryland.

NCJW is the oldest Jewish grassroots organization in the USA and we follow Jewish law that says following a pregnancy loss we focus on comfort, healing, and recognizing the pain of the loss, not on assigning blame. Our NCJW Resolutions also require that we work for "Laws, policies, programs and services that protect every women from all forms of abuse, exploitation, harassment, discrimination and violence."

It is the position of NCJW MD SPA, representing 600 advocates statewide, that banning the Lung Float test fulfills our obligation to protect the well being of women, and we strongly urge this committee to vote favorably on HB 1143 and ban Medical Examiners from administering this test in our state.

Sincerely,

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