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The Honorable William C. Smith, Jr.  
Senate Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, Maryland 21401

Testimony of Trans Maryland

### IN OPPOSITION TO

**Senate Bill #302:** Criminal Law - Causing Ingestion of an Abortion-Inducing Drug - Prohibition  
(Women's Freedom From Coercion Act)

To the Chair, Vice Chair, and esteemed members of the Senate Judicial Proceedings Committee:

Trans Maryland is a multi-racial, multi-gender, trans-led community power building organization dedicated to Maryland's trans community. Trans Maryland believes in protecting the rights of all Marylanders, particularly transgender community members, to access safe, inclusive, and appropriate healthcare. This belief stems from the understanding that all people have a fundamental right to bodily autonomy and to be treated with respect and dignity with what they chose to do with their body. To fight for these rights means to fight for the right for all Marylanders to access safe reproductive healthcare, including abortions.

There is absolutely no reason to pass this bill. Medical coercion is already illegal under [Md. Code Regs. 10.26.03.06](#) "Records, Confidentiality, and Informed Consent." In subsection D, this statute clearly states that medical providers must provide the patient with "The purpose and nature of an evaluation or treatment regimen," and that the patient has the right to withdraw from the treatment at any time for any reason. The ability for people in Maryland to withdraw from any treatment for any reason as a part of informed consent is only strengthened through the 2010 case [Stouffer v. Reid](#) from the Court of Appeals of Maryland. Additionally, abortion inducing drugs are controlled substances that require a prescription to receive. If a non-medical provider is giving out medication abortions, then they are in violation of [Md. Code, Crim. Law § 5-701](#), which directly prohibits the distribution of prescription drugs from anyone without the proper licensure to anyone without a prescription.


To put it plainly, it is already against Maryland's law to willfully cause another person to ingest abortion inducing drugs without their consent.

At Trans Maryland, we believe that people deserve to have safe and fully informed health care. However, this bill was not written with the intent to protect these rights.

The logo for TRANS MARYLAND features the words "TRANS" and "MARYLAND" in white, bold, sans-serif capital letters stacked vertically on a black rectangular background. To the right of the text is a vertical rectangular bar with a color gradient from blue at the top to purple at the bottom.

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The in y in the punishment laid out in the bill. Under section C, if a person is found guilty they are convicted of a felony and sentenced to a maximum of 25 years in prison and there is no fine option presented. For context, the first time conviction of possession or distribution of Schedule IV drugs like Rohypnol (also known as the date-rape drug) “is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both” ([Md. Code, Crim. Law § 5-608](#)). This punishment is also more severe than the punishment for manslaughter, which is also a felony but limits imprisonment to a maximum of 10 years ([Md. Code, Crim. Law § 2-207](#)).

With all of this information and comparison to current Maryland Statutes, we must ask why this bill views abortifacients as particularly vulnerable to abuses of informed consent compared to other medications and treatments and why it views this violation as so deserving of punishment. The answer is simple: because the writers of this bill view abortions as particularly violent. They do not view them as a part of comprehensive health care and are aiming to restrict them through any means necessary.

This bill is crafted to make it feel morally wrong to argue against because we do not want anyone to be subjected to any treatment that they do not consent to. However, we must see past their rhetoric and look at the intent, which is to exceptionalize abortions within Maryland’s criminal code and put a foot in the door for future attacks on abortion rights.

For these reasons, we urge an unfavorable report on SB 302.