



BILL NUMBER: HB 1131

TITLE: Public Health - Pregnancy Loss - Prohibited Actions (Pregnancy Outcome Protection Act)

COMMITTEE: Judiciary

HEARING DATE: March 5, 2026

POSITION: Favorable

Reproductive Justice Maryland Action supports House Bill 1131 in keeping with our mission to champion reproductive justice as a fundamental human right for all Marylanders. We believe that everyone deserves the freedom to make informed decisions about their bodies, health, and futures, free from discrimination, coercion, and barriers.

For the many Marylanders who hope to have or build a family, a positive pregnancy test is met with joy and celebration. They hope to have a healthy pregnancy and a safe delivery. Most of them will, but tragically, some of them will suffer miscarriage or stillbirth.¹ According to the Mayo Clinic, approximately 10% to 20% of known pregnancies end in miscarriage.² It is difficult to determine the precise number of miscarriages occurring in Maryland because miscarriage, unlike stillbirth or live birth, is not a reportable event to health authorities. According to the Centers for Disease Control, there were 65,797 live births in Maryland in 2024.³ Using that figure, combined with the estimated rate of miscarriage, one can estimate that there were between approximately 6,580 and 13,160 miscarriages in Maryland in 2024. Regarding stillbirth, the CDC reported that there were 402 stillbirths, or 6.07 stillbirths per 1000 live births, in Maryland in 2024.⁴

These numbers represent thousands of Marylanders facing pregnancy loss. This heartbreaking situation can happen to anyone who can get pregnant, but it does not impact all communities equally. Black women are over twice as likely as their white or

¹ The term “miscarriage” refers to the spontaneous loss of a pregnancy before 20 weeks’ gestation, while the term “stillbirth” refers to the spontaneous loss of a pregnancy at or after 20 weeks’ gestation.

² Mayo Clinic. “Miscarriage - Symptoms and Causes.” Mayo Clinic, 8 Sept. 2023, www.mayoclinic.org/diseases-conditions/pregnancy-loss-miscarriage/symptoms-causes/syc-20354298.

³ Gregory ECW, Valenzuela CP, Martin JA. Fetal Mortality in the United States: Final 2022–2023 and 2023–Provisional 2024. 2025 Dec. In: Vital Statistics Rapid Release Reports [Internet]. Hyattsville (MD): National Center for Health Statistics (US); 2024 Oct-. Report No. 41. Available from: <https://www.ncbi.nlm.nih.gov/books/NBK619812/> doi: 10.15620/cdc/174627

⁴ *Id.*

Hispanic counterparts to suffer a stillbirth.⁵ Given the difficulty in tracking miscarriage, the rate of miscarriage for Black women compared to other ethnic groups is unknown. However, it would seem likely that Black women would suffer a higher rate of miscarriage as well.

A family facing pregnancy loss may reasonably believe that losing the pregnancy is the worst thing that could possibly happen to them. Unfortunately, we have seen that for some families, this is only the beginning of their suffering. According to Pregnancy Justice, there were at least 22 prosecutions nationwide involving miscarriage or stillbirth in the year following the *Dobbs* decision.⁶ This does not account for families facing action by child welfare agencies due to miscarriage or stillbirth.

When tragedy strikes, it is common for people to look for something or someone to blame. Medical science cannot yet fully explain why a great number of miscarriages and stillbirths occur. Yet in some instances, criminal justice and child welfare systems seek to place the blame on the victims of the tragedy. HB 1131 will prevent this senseless and outrageous action from occurring in Maryland.

HB 1131 is consistent with existing Maryland statutory and case law. Criminal Law Article § 2-103(f) prohibits prosecutions against pregnant women for homicide due to any action taken or not taken on behalf of her own fetus. In *Kilmon v. State*,⁷ the now-Supreme Court of Maryland ruled that a pregnant woman could not be prosecuted for reckless endangerment under Criminal Law Article § 3-204(a)(1) for drug use during a pregnancy that resulted in a live birth. The *Kilmon* Court noted that to allow such prosecutions would inevitably subject pregnant women to criminal scrutiny for anything a prosecutor could possibly believe may not be “ideal” behavior, including such obviously noncriminal things as eating a particular diet, skiing, or horseback riding.⁸ This ruling helped to cement the public policy of Maryland against policing the noncriminal behavior of pregnant women.

Building on this holding, in *Akers v. State*, the Supreme Court of Maryland ruled that evidence of a pregnant woman’s Internet searches for abortion information and her lack of standard prenatal care were not admissible as evidence against her in a prosecution for homicide.⁹ The *Akers* Court echoed the *Kilmon* Court in its concern for the noncriminal conduct of pregnant women being held up as evidence that they have committed a crime. HB 1131 cements that women cannot be prosecuted or investigated by child welfare authorities for their noncriminal conduct.

⁵ *Id.*

⁶ Bach, Wendy, and Madalyn Wasilczuk. Pregnancy as a Crime: A Preliminary Report on the First Year after *Dobbs*. 2024, www.pregnancyjusticeus.org/wp-content/uploads/2024/09/Pregnancy-as-a-Crime.pdf.

⁷ 394 Md. 168 (2006).

⁸ *Id.* at 177-78.

⁹ 490 Md. 1 (2025).

We cannot state this strongly enough: no Maryland family should have to grieve a pregnancy loss under threat of criminalization or loss of child custody. Reproductive Justice Maryland Action is proud to support HB 1131 and urges a favorable report.