



MEMO OF SUPPORT

TESTIMONY IN SUPPORT OF HB 1131 — Pregnancy Outcome Protection Act

March 2026

The National Institute for Reproductive Health (NIRH) is submitting testimony in strong support of the Pregnancy Outcome Protection Act (HB 1131). If passed, the legislation would ensure that no one will be subjected to criminal investigation, civil liability, or prosecution because of their pregnancy outcomes—whether miscarriage, stillbirth, or a self-managed abortion.

NIRH is a national hub helping advance reproductive freedom policies at the state and local level. For more than 40 years, NIRH has been partnering with communities to build coalitions, launch campaigns, and successfully advocate for policy change. We work hand-in-hand with state and local reproductive health, rights, and justice organizations and other groups that are invested in this fight to pass laws that expand access to abortion and contraception and advance health equity. We don't just push back against restrictions on reproductive autonomy; we fight for a society in which everyone has the freedom and ability to control their reproductive and sexual lives.

The Pregnancy Outcome Protection Act (HB 1131) will operationalize the protections guaranteed in the Right to Reproductive Freedom Amendment to ensure that common medical events are not treated as crimes.

I. Common Medical Events Should Not Be Criminalized

Miscarriage and stillbirth are common medical events, yet across the United States, including in Maryland, pregnancy losses are being treated as crimes. At a time when people need support and compassion, they may instead be subjected to interrogations, investigations, and criminal prosecution, sometimes while still in medical distress. Individuals have been investigated, arrested, and prosecuted after miscarriages, stillbirths, or after experiencing pregnancy complications.¹ Between January 1, 2006, and June 23, 2022, Pregnancy Justice documented 1,396 arrests because of pregnancy outcomes.²

¹ <https://www.themarshallproject.org/2024/10/31/stillbirth-oklahoma-arkansas-women-investigated>

² <https://www.pregnancyjusticeus.org/wp-content/uploads/2023/09/9-2023-Criminalization-report.pdf> at page 4



In most of these cases, prosecutors relied on laws that were never intended to apply to pregnancy outcomes, such as child endangerment, tampering with remains or abuse of a corpse, or failure to report a birth or death.³ Prosecutors misuse these laws to surveil, investigate, arrest, detain, and prosecute pregnant and birthing people. These prosecutions often rely heavily on discredited and invalidated forensic practices such as the discredited 'lung float test'.⁴

Criminalization disproportionately harms people with low incomes by compounding existing barriers to healthcare access and exposing them to heightened legal risks. Pregnancy loss is more common among people with low incomes due to structural inequities.⁵ People with low incomes may not be able to access health care because they can't afford health insurance, are unable to take time off work or find transportation. Low-income individuals are more likely to be targeted by the policing system.⁶ Over three-quarters of the people prosecuted for pregnancy loss between June 2022 and June 2024 had low incomes, according to a report by Pregnancy Justice.⁷

These prosecutions further traumatize people who experience a pregnancy loss or complication. People who need medical support and compassion instead face suspicion and possibly arrest, particularly those who already experience systemic barriers to care and economic disadvantage. The Pregnancy Outcome Protection Act (HB 1131) would ensure that people experiencing pregnancy loss or complications will not face investigations or prosecutions.

II. HB 1131 is Necessary to Protect Against Erroneous Prosecutions in Maryland

In Maryland, people have been prosecuted because of pregnancy loss. In 2018, Moira Akers was charged with murder and child abuse after experiencing a traumatic labor and delivery at home that ended in a stillbirth.⁸ Ms. Akers's husband found her bleeding and called 911 to take her to the hospital.⁹ Instead of receiving support, she was arrested, and in 2022 she was convicted of second-degree murder and child abuse, with prosecutors introducing evidence of lawful internet searches

³ <https://www.pregnancyjusticeus.org/wp-content/uploads/2023/09/9-2023-Criminalization-report.pdf> at 28

⁴ Cite to articles sent by Del. Lopez's office

⁵ <https://pmc.ncbi.nlm.nih.gov/articles/PMC10590715/>

⁶ Pregnancy Justice Report

⁷ <https://www.pregnancyjusticeus.org/wp-content/uploads/2025/09/Pregnancy-as-a-Crime-An-Interim-Update-on-the-First-Two-Years-After-Dobbs.pdf>

⁸ <https://www.pregnancyjusticeus.org/press/moira-akers-stillbirth-conviction-overtured/>

⁹ <https://www.pregnancyjusticeus.org/press/moira-akers-stillbirth-conviction-overtured/>



about abortion and the absence of prenatal care as proof of criminal intent¹⁰ [OBJ]. Ms. Akers was sentenced to **30 years in prison for murder** and a¹¹. The Maryland Appellate Court initially upheld her conviction.¹²

In 2025, the Maryland Supreme Court overturned her conviction, ruling that:

- A person’s lawful contemplation of abortion cannot be used as evidence of intent to harm a newborn.
- A person’s lack of prenatal care does not demonstrate criminal intent.
- The evidence used to prosecute her was legally irrelevant and impermissibly prejudicial.

This case illustrates how easily prosecutors can treat pregnancy loss as criminal—and how devastating the consequences can be. It took Ms. Akers **seven years** and an appeal to the state’s highest court to correct the injustice. HB 1131 ensures no one else must endure such suffering.

III. Criminalizing Pregnancy Loss Harms Public Health and Limits Birthing Options

Criminalizing pregnancy discourages pregnant people from getting the care they need. People who fear investigation are less likely to seek prenatal care or emergency treatment during pregnancy complications, exacerbating neonatal and maternal health risks.¹³ Public health and criminal law serve fundamentally different purposes; conflating them undermines both. The American College of Obstetricians & Gynecologists opposes criminalization because it erodes the patient–provider relationship, violates core medical ethics, and deters individuals from seeking timely and appropriate prenatal and obstetric care.¹⁴

People should also be free to choose to give birth in ways that are aligned with their personal, cultural, or medical preferences. When laws or prosecutions treat pregnancy outcomes — such as miscarriage or stillbirth — as potential crimes, people may worry that giving birth outside a medical setting could increase scrutiny or expose them to legal risk if anything goes wrong, even for outcomes that are medically common and often unpreventable.

¹⁰ <https://www.pregnancyjusticeus.org/press/moira-akers-stillbirth-conviction-overturned/>

¹² Akers v. State of Maryland, 2025

¹³ <https://www.sciencedirect.com/science/article/abs/pii/S0277953625010470>

¹⁴ <https://www.acog.org/clinical-information/policy-and-position-statements/statements-of-policy/2020/opposition-criminalization-of-individuals-pregnancy-and-postpartum-period>



IV. The Pregnancy Outcomes Protection Act Operationalizes the Protections Guaranteed in the Right to Reproductive Freedom Amendment

In 2024, Maryland voters overwhelmingly approved the Right to Reproductive Freedom Amendment, affirming every individual's authority to decide whether to prevent, continue, or end a pregnancy. The Right to Reproductive Freedom Amendment guarantees an individual's right to make decisions about reproductive health without government interference. People in Maryland should not be criminalized because of pregnancy loss or for self-managing an abortion. The Pregnancy Outcomes Protection Act (HB 1131) translates the constitutional promise of reproductive freedom into clear statutory protections designed to prevent unjust prosecutions. Without the Pregnancy Outcomes Protection Act (HB 1131), people who miscarry, experience a stillbirth, experience a pregnancy complication, or self-manage an abortion remain vulnerable to criminalization that undermines those constitutional rights, as happened to Moira Akers. This bill ensures Maryland's legal system respects the state constitution and prevents intrusive government action that exceeds constitutional limits.

V. Conclusion

The Pregnancy Outcomes Protection Act (HB 1131) is essential to ensuring Maryland remains a safe state for reproductive freedom. Pregnancy loss must be treated as a health event — not a law enforcement matter. By passing this bill, Maryland will protect public health, prevent people from being traumatized or harmed by erroneous prosecutions, and ensure that no one is forced to defend themselves against criminal allegations during profound personal loss.