



Bill No: HB1131
Title: Public Health - Pregnancy Loss - Prohibited Actions (Pregnancy Outcome Protection Act)
Committee: Judiciary
Hearing: March 5, 2026
Position: FAVORABLE

The Maryland Legislative Agenda for Women (MLAW) is a statewide coalition of women’s groups and individuals formed to provide a non-partisan, independent voice for Maryland women and families. MLAW’s purpose is to advocate for legislation affecting women and families. To accomplish this goal, MLAW creates an annual legislative agenda with issues voted on by MLAW members and endorsed by organizations and individuals from all over Maryland. **HB1131 - Public Health - Pregnancy Loss - Prohibited Actions (Pregnancy Outcome Protection Act)** is a priority on the **2026 MLAW Agenda** and we urge your support.

HB1131 - Public Health - Pregnancy Loss - Prohibited Actions (Pregnancy Outcome Protection Act) would prevent the criminalization of people for pregnancy outcomes, including miscarriage, stillbirth, or self-managed abortion, and protect equitable, autonomous reproductive care and gives effect to Maryland’s newly ratified constitutional amendment recognizing reproductive freedom as a fundamental right essential to liberty and equality.

Across the U.S., people experiencing pregnancy loss, stillbirth, or self-managed abortion are increasingly being criminally investigated or prosecuted—disproportionately harming Black, Brown, and Indigenous women and birthing people, who already face higher maternal mortality rates (Pregnancy Justice, 2023). A Maryland case, *State v. Moira Akers*, highlights the urgent need for reform: after reporting a stillbirth in 2018, Ms. Akers was charged with second-degree murder and child abuse based on her internet searches, lack of prenatal care, and the use of the discredited “lung float” test—a scientifically unreliable method claiming to prove live birth (Maryland Court of Appeals, 2025).

The lung float test has been widely debunked, as factors like decomposition or resuscitation can cause lungs to float even in stillbirths, leading to false findings and wrongful prosecutions (ProPublica, 2023). Such flawed forensics, compounded by racial bias and unequal healthcare access, have led to the disproportionate criminalization of pregnancy outcomes for women of color.

This punitive climate deters people from seeking care after pregnancy loss and worsens racial disparities in maternal health. It also undermines Maryland’s constitutional protection of reproductive freedom, which affirms every person’s right to make and carry out decisions to prevent, continue, or end a pregnancy.

The Maryland Reproductive Justice and Pregnancy Outcome Protection Act would codify the following key provisions:

- Prohibit criminal or civil penalties based solely on pregnancy outcomes. This section directly enforces the constitutional guarantee that the State “may not, directly or indirectly, deny, burden, or abridge the right [to reproductive freedom] unless justified by a compelling State interest achieved by the least restrictive means”;
- Institute forensic and investigative safeguards including banning unreliable forensic practices such as the “lung float test” and prohibiting miscarriage, stillbirth, or self-managed abortion from serving as probable cause for searches, arrests, or surveillance;
- Protect the privacy of pregnant people by restricting the use of personal digital data; and
- Safeguard providers who deliver compassionate, evidence-based reproductive care.

These provisions ensure that Maryland’s legal system upholds evidence-based medical standards and does not substitute punitive enforcement for compassionate, patient-centered care. In addition, it brings state policy into full alignment with the Maryland Constitution’s guarantee of reproductive freedom as a fundamental right

For these reasons, MLAW strongly urges the passage of HB1131.

MLAW 2026 Supporting Organizations

The following organizations have signed on in support of our 2026 Legislative Agenda*:

AAUW Anne Arundel County
AAUW Kensington-Rockville Branch
AAUW Maryland
AAUW Garrett Branch
American Association of University Women Howard County Branch
Baltimore County Commission for Women
Bound for Better, advocates for Domestic Violence and Sexual Abuse
Campaign for Eneshal Galloway at Large Candidacy
Carroll County Chapter NOW
Crabs On The Shore
Jack and Jill of America Western Maryland Chapter
Maryland Coalition Against Sexual Assault (MCASA)
Maryland Network Against Domestic Violence (MNADV)
Maryland NOW
Montgomery County Business and Professional Women
Montgomery County Commission for Women
Montgomery County Chapter, National Organization for Women
National Association of University Women, Prince George's County
NAUW
Postpartum Support International, Maryland
Prince George's County Alumnae Chapter of Delta Sigma Theta Sorority Inc.
Self-Reflections: Social-Emotional, Behavioral and Advocacy Services, LLC
Stella's Girls, Incorporated
SUB&S LLC
The Heart Nest
The Rest Of A Life (TROAL)
Top Ladies of Distinction, Incorporated, Patuxent River Chapter
Unrooted Culture
Women's Commission for Baltimore City
Women's Equity Center and Action Network
Women's Law Center of Maryland
Zonta Club of Annapolis

**As of 2/2/2026*