



Mission: To improve public health in Maryland through education and advocacy **Vision:** Healthy Marylanders living in Healthy Communities

Testimony In Support of HB 1131
Public Health – Pregnancy Loss – Prohibits Actions (Pregnancy Outcome Protection Act)
By: Maryland Public Health Association (MdpHA)
March 5, 2026

Chair Bartlett, Vice-Chair Davis, and Members of the Judiciary Committee, thank you for the opportunity to testify in support of HB 1131 which would prohibit individuals who experience pregnancy loss from being subject to investigation, civil liability, or criminal prosecution except under certain circumstances.

Pregnancy loss is not an uncommon pregnancy outcome. Overall, between 10-20% of clinically recognized pregnancies end in early pregnancy loss, however this is likely an underestimate since pregnancy loss is more common earlier in pregnancy and can occur before a person knows that they are pregnant.¹ The majority of early pregnancy losses are caused by factors outside of the pregnant woman’s or person’s control. About 50% of early pregnancy losses are due to chromosomal abnormalities and other common risk factors include advanced maternal age and prior early pregnancy loss.² For stillbirths, a study found that while they are less common than early pregnancy loss, the number of stillbirths is higher than previous CDC estimates and that almost 28% of all stillbirths and 40.5% of stillbirths at 40 weeks’ gestation or greater had no clinical risk factor.³

Despite how common pregnancy loss is and that the majority occur because of reasons outside of the pregnant person’s control, pregnant women and people have been and continue to be targeted for pregnancy criminalization. In addition to the injustice of this targeting, the fear of prosecution could prevent pregnant women and people from seeking necessary care and could lead to worse health outcomes.

This bill is timely, given the lack of federal protections for abortion and increased efforts across different states to restrict access to abortion through criminalization of adverse pregnancy outcomes. Although pregnancy criminalization was happening before the *Dobbs* decision, the number of laws passed around the country to criminalize pregnancy loss and the number of pregnant people who faced charges increased in the year after the *Dobbs* decision. At least 210 pregnant women and people faced criminal charges during this time which was the highest number documented in a single year.⁴ Additionally, surveillance of pregnant people has not been the same across racial and economic groups. Historically, Black pregnant women and people have been targeted for pregnancy criminalization and in more recent years, low-income pregnant people across all racial groups have been targeted.⁵ Of the 210 pregnant women and people facing charges in the first year after the *Dobbs* decision, the majority were low income.³ This bill will provide essential protections for all pregnant women and people in Maryland, but will especially protect communities who

¹ Alves, C., Jenkins, S. M., & Rapp, A. (2023, October 12). Early pregnancy loss (Spontaneous Abortion). StatPearls. Retrieved March 2, 2026, from <https://www.ncbi.nlm.nih.gov/books/NBK560521/>

² ACOG Practice Bulletin No. 200: Early Pregnancy Loss. (2018) *Obstetrics & Gynecology* 132(5):e197-e207. | DOI: 10.1097/AOG.0000000000002899

³ Sullivan, H. K., Sinaiko, A. D., Fox, K., Armstrong, J. C., Clapp, M. A., & Cohen, J. L. (2025). Stillbirths in the United States. *JAMA*, 334 (22): 2033-2035. doi: 10.1001/jama.2025.17392.

⁴ Bach, W. A. & Wasilczuk, M. K. (2024). Pregnancy as a Crime: A Preliminary Report on the First Year After Dobbs. Pregnancy Justice. New York: Pregnancy Justice.

⁵ Kavattur, Purvaja S, et al. (2023). The Rise of Pregnancy Criminalization: A Pregnancy Justice Report, New York: Pregnancy Justice.

have been disproportionately targeted.

Finally, voters passed Maryland Question 1 (SB798/HB705) in the November 2024 election which amends the constitution to establish the right to reproductive freedom and the right to make decisions to prevent, continue, or end one's own pregnancy⁶. This bill supports this amendment by preventing the criminalization of pregnancy loss as part of an effort to restrict abortions.

We strongly urge you to give a favorable report for HB 1131 and protect individuals who experience pregnancy loss from unjust investigations or prosecution in Maryland.

The Maryland Public Health Association (MdPHA) is a nonprofit, statewide organization of public health professionals dedicated to improving the lives of all Marylanders through education, advocacy, and collaboration. We support public policies consistent with our vision of healthy Marylanders living in healthy, equitable, communities. MdPHA is the state affiliate of the American Public Health Association, a nearly 145-year-old professional organization dedicated to improving population health and reducing the health disparities that plague our state and our nation.

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⁶ S.B. 798/CH244, 2023 General Assembly of Maryland, 2023 Reg. Sess. (Maryland, 2023).
<https://mgaleg.maryland.gov/2023RS/bills/sb/sb0798T.pdf>