



Unfavorable Statement HB1131
"Pregnancy Outcome Protection Act"
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We Strongly Oppose This Infanticide Bill

On behalf of our followers across the state, we strongly object to HB1131. **This bill would effectively legalize infanticide by third parties and deny equal protection to newborn persons in violation of federal statute.** By enacting this as law, the Assembly would be declaring Open Season on newborn babies in Maryland. **This is literally "overkill", unnecessary to shield the abortion industry, which already is shielded by a series of laws in Maryland.**

This bill is **not** about protecting existing rights, but about **actively stripping away the state's current ability to protect newborns.** This bill would formalize a "zone of lawlessness" where a child's right to life depends entirely on the mother's intent, even after the child is outside the womb.

The State of Maryland has a duty to ensure that abortion practices are regulated and safe. The State should protect a woman's right to informed consent before abortion and right to sue an abortion drug manufacturer or distributor for the physical and psychological harm she will suffer as the result of abortion or even a failed abortion when she is confronted with her living, breathing child. **Instead, this bill will shield the abortionist and other third parties at the expense of the woman's health and well-being.**

It also is medically inaccurate and an offense to any parent who has experienced true pregnancy loss such as miscarriage or stillbirth to have the loss of their child put in the same category or definition under law as induced abortion. Any suggestion that a mother who has suffered a medical emergency and was required to undergo a D&E procedure has aborted her child or terminated her pregnancy is inaccurate and subjects that mother to severe emotional distress. **In no way are pregnancy loss and induced abortion moral equivalents and should not be treated as such under the law.**

This Bill Violates Federal Law and Equal Protection

The federal Born-Alive Infants Protection Act of 2002 established that newborn infants who have taken the "breath of life" are legally-protected "persons" and are owed all rights due to persons under the Constitution of the United States of America and Declaration of Rights. Enactment would be unconstitutional and would be unlikely to survive court challenge.

The Act established a federal definition for "person," "human being," "child," and "individual" to ensure that any infant born alive is treated as a legal person under federal law.

- **Definition of "Born Alive":** The law defines this as the "complete expulsion or extraction from his or her mother... at any stage of development," provided the infant shows at least one sign of life:
 - Breathing
 - A beating heart
 - Pulsation of the umbilical cord
 - Definite movement of voluntary muscles
- **Context Independence:** The law applies regardless of whether the birth was natural, a C-section, or the result of an **induced abortion**.
- **Legal Standing:** By defining these infants as "persons," the Act ensures they have the same rights to federal protections (such as those under the Emergency Medical Treatment and Labor Act or civil rights laws) as any other person.

Enactment of this bill will likely bring federal scrutiny and review of the constitutionality of the **Maryland Reproductive Freedom Act**, which effectively discourages law enforcement, medical providers and medical examiners from reporting and investigating suspected cases of infant abuse or infanticide for fear of infringing upon a woman's state constitutional "right" to abort her child.

Mothers Are Already Immune from Prosecution for Abortion Deaths

This bill will not establish immunity for mothers who experienced pregnancy loss or even failed abortions. Mothers already are immune from prosecution under both state and federal law for miscarriage, stillbirth or abortion.

Neither the **Born-Alive Infants Protection Act of 2002** nor the **Born- Alive Abortion Survivors Protection Act** currently before Congress hold women criminally liable for miscarriage, stillbirth or abortion. Both Acts contain a specific "Rule of Construction" that bars the prosecution of the mother.

The **Born-Alive Abortion Survivors Protection Act** would hold third-parties criminally liable for the death of a newborn infant born alive after a failed abortion, which is consistent with current Maryland law. But this bill attempts to block the implementation of this Act at the state level, effectively decriminalizing infanticide by third-parties who are not the mother of the newborn.

This bill serves as evidence to why it is necessary for Congress to pass the **Born-Alive Abortion Survivors Protection Act**.

This Bill Decriminalizes Infanticide by Third-Parties

The *operative provision* of this bill is to allow third-parties to commit INFANTICIDE and to kill a living infant without being held criminally responsible. The bill broadly **shields third-parties who commit INFANTICIDE** whether through action or inaction, which may include failing to provide care, shelter, nourishment or medical assistance to an infant born alive.

As a procedural matter, the bill sponsor attempts to do so without properly repealing the sections of the Criminal Law article dealing with child abuse, neglect and even homicide or manslaughter.

This Bill Shields the Abortion Industry for Infanticide

Your bill will deny women legal protections against the abuses of the abortion industry, including the off-label use of dangerous chemical abortion drugs due to lack of informed consent for women who no longer receive a doctor's examination to confirm gestational development of their baby and are not made aware that their baby may survive an abortion attempt, particularly when these drugs are used later in pregnancy.

Through anecdotal evidence we know that abortion drug providers typically instruct women to discard of human remains as a result of an abortion, typically by flushing their babies down toilets or otherwise disposing of them. There also is evidence that the abortion drug providers instruct women to either cause the demise of or willfully neglect a baby born as the result of a failed abortion. This is extremely traumatizing for a woman, particularly when she is lied to by the abortion industry and told that her child is not a baby, but mere tissue.

Right to Life Organizations Do NOT Support Criminalization of Mothers

National Right to Life, our parent organization, also has gone on the record several times to state that we do not support the criminalization of women who choose abortion. (See attached letter.)

We do support the criminalization of abusive partners, pedophiles, rapists and sex traffickers who coerce women and girls into abortions in order to cover their crimes.

We also support Informed Consent laws and the right of women and their families to sue abortionists and abortion drug manufacturers and distributors form any injury or death that occurs as a result of abortion practices.

Maryland Law Must Protect Infants from Infanticide

While existing Maryland law does not prohibit the criminal investigation into the death of an infant during the perinatal period, the law related to Medical Examiners is intended to determine and prevent actual cases of infanticide or physical abuse. Maryland law currently requires the Medical Examiner only to investigate "unusual or unattended" deaths.

Maryland's child abuse and neglect laws are essential to ensuring the universal standard of child safety. But by enacting this bill, you will be denying an entire class of persons, newborn infants protection against child abuse and death.

“D-I-Y” Abortions Endanger Women

Public policy has failed to keep pace with the abortion industry’s rapid deployment of chemical abortion pills. The Assembly removed the final safeguard in law for women seeking abortion when they enacted the Abortion Care Access Act of 2022 and removed the physician only requirement. **In doing so, the Assembly removed abortion from the spectrum of healthcare.**

85% of obstetricians and gynecologists refuse to commit abortion, demonstrating that abortion is not an essential part of women’s health care. In response to this provider scarcity, the abortion industry is commercializing **“Do-It-Yourself” abortion pills**. The abortion industry’s radical agenda to indiscriminately sell “D-I-Y” abortions is normalizing “back alley abortions” where women self administer and hemorrhage without medical supervision or assistance.

Chemical abortion is four times more likely to result in complications than surgical abortion. To date more than 6,000 complications have been reported and 26 women have been killed through chemical abortion since its approval by the Food and Drug Administration (FDA). Because half of all women experiencing complications from chemical abortions receive emergency intervention through hospitals, the rate of abortion complications is dramatically underreported.

Adopt Reasonable Health and Safety Standards

The growing reliance on chemical abortions underscores the need for a state protocol for the use of abortion pills including informed consent specific to the efficacy, complications and abortion pill reversal. The abortion industry is only concerned with abortion remaining legal. The state of Maryland has a duty to ensure that abortion is safe and must intervene on behalf of women and girls by adopting a protocol and standard of medical care for the use of chemical abortion pills. Strong informed consent requirements, manifest both a trust in women and a justified concern for their welfare.

While we oppose all abortion, we strongly recommend that the state of Maryland enact reasonable regulations to protect the health and safety of girls and women by adopting the previous FDA Risk Evaluation and Mitigation Strategies (REMS) safeguards that required that the distribution and use of mifepristone, the drug commonly used in chemical abortions, to be under the supervision of a licensed physician because of the drug’s potential for serious complications including, but not limited to, uterine hemorrhage, viral infections, pelvic inflammatory disease, loss of fertility and death.

Put patients before abortion politics and profits

Maryland women deserve real solutions and legitimate healthcare - not more laws to shield their abusers and the abortion industry that covers their crimes for profit. But Maryland policymakers have put abortion politics before patients. In 2020, Maryland Attorney General Brian Frosh, joined twenty state Attorneys General in pressuring the FDA to permanently remove safeguards against the remote prescription of abortion pills. Maryland already has been circumventing the FDA restrictions on the remote distribution of chemical abortion pills since 2016, by allowing Planned Parenthood to practice telaboration as part of a “research” pilot program directed by Gynuity/Carefem. While program participants are loosely tracked, Maryland generally fails to protect women as one of three states that do not require abortion providers to report the number of abortions they commit, resulting in increased threat to maternal health, complications or deaths.

This Assembly saw fit, through BI-PARTISAN support to pass a Maryland Safe Haven Law to prevent infant abandonment and infanticide. Under the Maryland Safe Haven Program, women may safely abandon to a trusted adult, their newborn child within the first 60 days after birth *without fear of criminal prosecution*. The State must ensure that the Department of Human Services actually implement this law into action.

Telehealth v. Teledeath

The Assembly enacted several bills into law as supposed Covid measures. These laws expanded telabortion through remote distribution chains including pharmacies, schools health centers, prisons and even vending machines and expanded public funding for telabortion through Medicaid and Family Planning Program dollars. There are many potential negative consequences to these policies which ultimately demonstrate the state's disregard for the health of women. For example, underestimation of gestational age may result in higher likelihood of failed abortion. Undetected ectopic pregnancies may rupture leading to life-threatening hemorrhages. Rh negative women may not receive preventative treatment resulting in the body's rejection of future pregnancies. Catastrophic complications can occur through telabortion, and emergency care may not be readily available in remote or underserved areas.

Abuse of Abortion Drugs

The state also is neglecting the fact that as much as 65% of abortions are not by choice, but by coercion. Potential for misuse and coercion is high when there is no way to verify who is consuming the medication and whether they are doing so willingly. Sex traffickers, incestuous abusers and coercive boyfriends will all welcome more easily available chemical abortion.

We respectfully urge you to issue an unfavorable report on this reckless bill and to keep infanticide in the criminal code where it belongs. Women are already immune from prosecution for miscarriage, stillbirth or abortion. This bill would repeal the criminal prohibition of infanticide by third-parties, creating wide blanket immunity for the profit-minded abortion industry that has engineered an environment where infanticide will become a normal part of the medical standard of care for women's reproductive health. This is unacceptable and more importantly UNCONSTITUTIONAL. The State of Maryland has a duty to protect newborn babies who are protected under federal law from infanticide and neglect.

Columbia Mom Suffocated Newborn Boy In Zipped Plastic Bag After Home Birth, Police Say

By [Max McGee](#) April 25, 2019 at 10:10 am

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COLUMBIA, Md. (WJZ) — Howard County police have arrested a Columbia woman in the death of her newborn child in November 2018.

Moira Akers, 38, of Carved Stone in Columbia, has been charged with one count of first-degree murder.

Police were called to Howard County General Hospital on November 1 after Akers was taken from her home by paramedics.

Police learned that Akers had recently given birth inside her home. Investigators responded to the home and found a male newborn in a zipped plastic bag under blankets in a closet. The baby was dead.

“We originally received a call from the hospital indicating a woman had been transported by paramedics,” Sherry Llewellyn, of Howard County Police, said. “Something about the incident just seemed suspicious. We quickly determined the woman had recently given birth in her home and our investigators responded there.”

A recent autopsy report classified the death as a homicide, saying the infant was full-term and alive at birth.

“That report was to make a determination about whether this was a stillborn incident or live birth,” Llewellyn said. “We’ve just now received that report indicating that in fact, the baby was alive when he was born.”

The official cause of death was ruled as asphyxiation and exposure.

Akers’ internet search history revealed many searches on how to terminate a pregnancy.

Neighbors spoke to WJZ after hearing the news for the first time. They didn’t know

“I’m very shocked,” Jean Alle, a neighbor, said. “She was a very friendly person. We would always say hi to each other.”

Akers was arrested at her home Wednesday night and is being held without bond at the Howard County Detention Center.