

March 5, 2026

Submitted via MGA portal

**Maryland General Assembly
Committee on the Judiciary - Testimony**

Dear Committee Chair Bartlett, Vice Chair Davis and Judiciary Committee Members:

On behalf of Pregnancy Justice, I am writing this letter to express our support with suggested amendments for [HB 1131](#), the Pregnancy Outcome Protection Act.

Pregnancy Justice was founded 25 years ago as National Advocates for Pregnant Women. Pregnancy Justice is a non-partisan legal, policy advocacy, and research organization that works to advance and defend the rights of pregnant people, no matter if they give birth, experience a pregnancy loss, or have an abortion. Our work is rooted in the belief that all people should have the freedom to make decisions about their bodies and their lives, without fear of surveillance, punishment, or criminalization; and that no one should lose their rights—or their personhood—because of their pregnancy.

Pregnancy Justice is grateful for the introduction of this important piece of legislation. We commend this legislature and Delegate Lopez for leading the way on reproductive health issues. Pregnancy Justice has been tracking the issue of pregnancy criminalization for decades and has documented over 1,800 cases of pregnancy criminalization¹ from the 1973 *Roe v. Wade* decision until the 2022 *Dobbs v. Jackson Women’s Health Organization* decision, which overturned *Roe*, including three cases in Maryland.² In just the first two years after *Dobbs*, Pregnancy Justice identified 412 such cases across the country.³ Many of the cases where Pregnancy Justice clients prosecution are related to miscarriages, stillbirths, and self-managed abortions.

Pregnancy Loss is Personal and Extremely Common

Pregnancy loss, which includes miscarriage and stillbirth, is an incredibly common medical event. Annually, about 10-20% of pregnancies result end in miscarriage⁴ and around 21,000 end in stillbirth;⁵ with even higher rates among Black, American Indian or Alaska Native, and Native Hawaiian or Pacific Islander women, a result of structural racism manifesting in persistent

¹ Pregnancy criminalization occurs when the state wields a criminal law to render acts associated with a pregnancy, pregnancy loss, birth, and/or associated healthcare the subject of criminal prosecution. Pregnancy Just., *The Rise of Pregnancy Criminalization: A Pregnancy Justice Report 20* (2023), <https://www.pregnancyjusticeus.org/wp-content/uploads/2023/09/9-2023-Criminalization-report.pdf>.

² *Id.* at 20.

³ Pregnancy Just., *Pregnancy as a Crime: An Interim Update on the First Two Years After Dobbs 1* (2025), <https://www.pregnancyjusticeus.org/wp-content/uploads/2025/09/Pregnancy-as-a-Crime-An-Interim-Update-on-the-First-Two-Years-After-Dobbs.pdf>.

⁴ *Miscarriage*, March of Dimes, <https://www.marchofdimes.org/find-support/topics/miscarriage-loss-grief/miscarriage> (last visited Feb. 25, 2026).

⁵ *Data and Statistics on Stillbirth*, U.S. Centers for Disease Control and Prevention (Aug. 26, 2025), <https://www.cdc.gov/stillbirth/data-research/index.html>.

healthcare inequities.⁶ Pregnancy loss can happen for a myriad of reasons, many of which are out of the pregnant person's control.⁷ In Maryland, the stillbirth rate is approximately 6.35 per 1,000 live births, with an average of 436 pregnancies ending in stillbirth each year.⁹ Pregnancy loss is a painful, personal medical event, that has increasingly become the basis for cruel criminal investigations.¹⁰ That complex and often heart-breaking emotions following a pregnancy loss are innumerable, women share their stories of loss, and in some instances shame, shame that would only be exacerbated by prosecution.¹¹

Pregnancy Justice attorneys represent clients who have faced painful investigations, arrests, and incarceration as a result of pregnancy loss across the country and have recently supported a Maryland woman who was impacted by pregnancy criminalization in the state. Passing HB 1131 is an excellent opportunity to prevent women and postpartum people in Maryland from experiencing the pain that many of our clients have endured. Pregnancy loss should be treated as a tragic medical event; not a criminal one that warrants investigation and arrest.

Pregnancy Loss Privacy is in Alignment with Maryland's Constitution

The State of Maryland has led the way in protecting reproductive rights for its residents. United States. We commend this body for the work that has already been done to ensure the safety and dignity of pregnant and postpartum people. Over 75% of Maryland voters made clear in 2024 that they support the right of a person to make personal decisions about their pregnancies.¹² The successful passage of the constitutional amendment on reproductive health shows that bodily autonomy and decision making around birth, loss, and abortion are tantamount. While Maryland law does not support prenatal personhood legal theory, in an increasingly hostile national climate, there is still the possibility of prosecution for the way a person disposes of the aftermath of their pregnancy following a pregnancy loss, or for not disclosing their pregnancy loss.¹³ Passing HB 1131 would allow the state to fully codify the commitment to gender equity and reproductive freedom.

⁶ Latoya Hill, et al., *Racial Disparities in Maternal and Infant Health: Current Status and Key Issues*, KFF (Dec. 3, 2025), <https://www.kff.org/racial-equity-and-health-policy/racial-disparities-in-maternal-and-infant-health-current-status-and-key-issues/>.

⁷ Johns Hopkins, *Adult Health Library: Miscarriage*, <https://johnshopkinshealthplans.staywellsolutionsonline.com/Library/DiseasesConditions/Adult/Skin/90,P02471#:~:text=What%20causes%20a,are%20from%20chromosome> (last accessed March 3, 2026).

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⁹ *Maryland*, Count the Kicks, <https://countthekicks.org/statistics/md/> (last visited Feb. 25, 2026).

¹⁰ Cary Aspinwall, *Some States Are Turning Miscarriages and Stillbirths Into Criminal Cases Against Women*, ProPublica (Oct. 31, 2024), <https://www.themarshallproject.org/2024/10/31/stillbirth-oklahoma-arkansas-women-investigated>.

¹¹ Nancy Borowick, *Through the Loss Mother's Stone: Mother's Share Their Grief Following Stillbirth*, NPR, December 11, 2024, <https://www.npr.org/sections/the-picture-show/2024/12/09/g-s1-5058/mothers-share-grief-from-stillbirth>

¹² Over 1.9 million people voted in support of the constitutional amendment; Maryland General Election Returns: *Maryland General Election, 2024 - Constitutional Amendment* (last accessed March 3, 2026).

¹³ Pregnancy Just., *After Pregnancy Loss* 17 (2026), <https://www.pregnancyjusticeus.org/wp-content/uploads/2026/01/After-Pregnancy-Loss.pdf>.

Pregnancy Loss Investigations Often Rely on and Vague Statutes

For these reasons, we are eager to be able to support HB 1143, and we hope to have an opportunity to make additional suggested amendments to ensure that pregnant and postpartum people are fully protected, as well as to discuss the use of certain terms that may be harmful.

Thank you for your consideration.

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