

March 2, 2026

Delegate J. Sandy Bartlett, Chair  
Delegate Debra Davis, Vice Chair  
House Judiciary Committee  
Maryland General Assembly

**if**  
**when**  
**how**

Lawyering for  
Reproductive  
Justice

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Re: amending HB 1131 to ensure that criminalization of pregnancy outcomes is truly prohibited in the state of Maryland

Dear Madam Chair, Madam Vice Chair and Honorable Committee Members:

We write to you today to thank you for considering legislation that would prohibit the criminalization of people for their pregnancy outcomes, and to ask that you consider amendments to that proposed legislation, HB 1131, that would ensure that it realizes its promise.

We are professors and law students, and the Associate Director of Litigation at the national nonprofit legal organization If/When/How. All of us teach at or attend the University of Baltimore School of Law or the University of Maryland Carey School of Law.

Margaret E. Johnson is Professor of Law, Associate Dean for Faculty Research and Development, and Director of the Bronfein Family Law Clinic at the University of Baltimore, where she supervises student attorneys in litigation, legislative advocacy, and community education, and conducts research, regarding family law, domestic violence, and reproductive justice issues. The If/When/How student chapter at the University of Baltimore School of Law is part of the If/When/How Network, which mobilizes lawyers, law students, and advocates across the country to help meet the immediate needs of people experiencing reproductive oppression and push for change in their communities. Leigh Goodmark is the Associate Dean for Research and Faculty Development and Professor of Law at the University of Maryland Carey School of Law, where she teaches the Gender, Prison, and Trauma Clinic. And Yveka Pierre, Esq., is the Associate Director of Litigation at If/When/How, a national nonprofit legal organization that, among other priorities, defends people criminalized for their pregnancy outcomes and supports state advocates to advance legislative policies that end the criminalization of people for their reproductive lives. Ms. Pierre is also an Adjunct Professor at the University of Baltimore School of Law, and co-counsel for Moira Akers, who is facing re-trial after her conviction for experiencing a stillbirth was reversed by the Maryland Supreme Court last year.

Ms. Akers' case has brought significant attention to the fact that, despite protective Maryland statutes and case law, women in this state are still prosecuted for their pregnancy outcomes—a practice that undermines Maryland law and threatens the health and safety of pregnant people in this state. As you know, criminalizing a person for their reproductive outcome—whether they self-managed abortion, obtained an abortion from a health care provider, miscarried, or experienced a stillbirth or perinatal loss—is cruel, undermines human and constitutional rights, and does not serve any public good. Every major medical association in the U.S., the American Bar Association, and, in its other laws and policies, the state of Maryland, oppose the practice of criminalizing people in these circumstances.

Unfortunately, in states across the country, we continue to see investigations, arrests, and prosecutions of people for their pregnancy outcomes. If/When/How currently represents people in more than 25 cases from around the U.S., including Ms. Akers' ongoing prosecution in Maryland. In those cases, it is common for prosecutors to allege that a stillbirth or immediate perinatal loss was in fact a live birth, just as they have alleged in Ms. Akers' case. HB 1131, if amended to eliminate loopholes that enable pregnancy criminalization, could help ensure that prosecutions like this never happen again. But as written, the bill allows for exactly what happened to Ms. Akers to happen again - a prosecution for a stillbirth that the prosecution alleges was really a live birth.

Because pregnancy criminalization around the U.S. mirrors that pattern, the 9 states (and D.C.) that have recently changed or clarified their laws to eliminate pregnancy criminalization have avoided the kinds of carve outs that allow pregnancy criminalization to continue. In our view, HB 1131 could similarly safeguard against pregnancy criminalization with a few key changes:

- Eliminate the carveout for perinatal losses and explicitly include perinatal loss in the list of outcomes protected from criminalization. Nobody should face criminalization because they gave birth to a baby who did not survive, as is often the case when someone has a precipitous or premature delivery outside of a hospital setting. (Suggested amendments: strike “except under certain circumstances” in lines 5-6 and 9 in the purpose section; add “a Perinatal Loss” to the definition of Pregnancy Loss at 20-217(c)(2), and add “an abortion, including a self-managed abortion” in the same provision at line 17; strike proposed Section 3).
- Make the prohibition against investigation, civil liability, or prosecution for experiencing a pregnancy loss absolute. There is no situation in which criminalization or punishment is an appropriate response to an individual's pregnancy outcome. (Suggested amendment: at Section 20-218(A), strike everything after “pregnancy loss”).
- Require consent for all warrants related to pregnancy. A pregnant person should retain the right to control their sensitive medical information. If there is independent evidence

of a criminal act unrelated to the pregnancy loss, the information about the pregnancy loss is not relevant and should not be obtained. (Suggested amendment: Strike 20-218(C)1).

- Require consent for all releases of information related to pregnancy. Health care providers need clarity and certainty that pregnant people retain the right to privacy in their sensitive medical information, and loopholes or confusion in this principle allow pregnancy criminalization to continue. (Suggested amendments: Strike 20-219(B)(1) and (2)).
- Eliminate the criminal penalty for disclosure. Expansion of the reach of the criminal legal system – even if intended to prevent criminalization – only furthers the entanglement of the health system and punitive legal systems. This is ultimately harmful to pregnant people. (Suggested amendment: Strike 20-220 in its entirety).

With these suggested amendments, HB 1131 can be strengthened to truly protect people from pregnancy criminalization. We look forward to working with the bill sponsor and committee to realize the bill's intended promise.

Respectfully submitted,

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If/When/How Law Student Chapter, University of Baltimore School of Law<sup>2</sup>  
Yveka Pierre, Esq., Associate Director of Litigation, If/When/How  
Professor Leigh Goodmark, University of Maryland Carey School of Law<sup>3</sup>

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<sup>1</sup> Professor Johnson signs in her individual capacity and not on behalf of the University of Baltimore.

<sup>2</sup> The If/When/How Chapter signs on its own behalf and not on behalf of the University of Baltimore.

<sup>3</sup> Professor Goodmark signs in her individual capacity and not on behalf of the University of Maryland.