



**HB1195 - Health - Maryland Fetal Heartbeat Protection Act**  
Presented to the Hon. Shane Pendergrass and  
Members of the House Health and Government Operations Committee  
March 8, 2019 at 1:00 p.m.

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POSITION: OPPOSE

NARAL Pro-Choice Maryland **urges the House Health and Government Operations Committee an unfavorable report on HB1195**, Health - Maryland Fetal Heartbeat Protection Act, sponsored by Delegate Daniel Cox.

Our organization is an advocate for reproductive health, rights, and justice. As part of our efforts to protect reproductive freedom for all Marylanders, we work to ensure every childbearing individual has the right to decide if, when, and how to form one's family, as well as to parent in good health, in safety, and with dignity. We honor pregnancy in all its complexity. As advocates for reproductive rights, we are deeply concerned about HB1195. This legislation would mandate that a physician not induce or perform an abortion on a patient seeking abortion care until the physician has determined whether or not the fetus has a detectable heartbeat, establishes that the Maryland Department of Health may regulate particular methods of heartbeat detection, requiring a physician to make the fetal heartbeat and ultrasound audible for the pregnant individual with her consent, limits incidences in which an abortion can be performed, and a violation results in a felony charge.

To be clear, this legislation states that an abortion only be performed after a fetal heartbeat has been detected if, in the physician's reasonable medical judgment, the abortion is necessary to prevent the death of the pregnant woman or to prevent a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman. The proposed legislation denies child-bearing individuals reproductive freedom in cases of fetal anomaly, which are most commonly diagnosed during the second trimester of pregnancy.<sup>i</sup> Later-diagnosed congenital conditions include anencephaly (severe abnormal brain development), heart defects, and missing organs, and are the leading causes of infant mortality.<sup>ii</sup> With the restrictions proposed in HB1195, a woman could be legally obliged to carry an unhealthy pregnancy to term and ultimately have a child that has no chance of a life or one requiring constant medical intervention or living in chronic pain.<sup>iii</sup> Further, this legislation threatens the liberty of women who have become pregnant in cases of rape, incest, and intimate partner violence. HB1195 is blatantly unconstitutional. The Supreme Court has long held that a state may regulate abortion care, but may not ban abortions before fetal viability.<sup>iv</sup> Further, the bill's definition of "medical emergency" explicitly excludes risks to a woman's psychological and emotional health, which has been a protected circumstance for abortion since *Roe v. Wade*.<sup>v</sup>

We support and advocate for the ability for individuals to make the family planning decisions that best fit the needs of their families and themselves. HB1195 seek to restrict these rights solidified under the *Roe v Wade* ruling, which was codified in the State of Maryland under Question 6 in 1992. **Therefore, NARAL Pro-Choice Maryland urges an unfavorable report on HB1195.** Thank you for your time and consideration.

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<sup>i</sup> Lyus, R. et al. (2013). *Second Trimester Abortion for Fetal Abnormality*. Retrieved from <http://www.bmj.com/content/347/bmj.f4165>

<sup>ii</sup> Radiopaedia. *Second trimester ultrasound scan*. Retrieved from <https://radiopaedia.org/articles/second-trimester-ultrasound-scan>

<sup>iii</sup> British Pregnancy Advisory Service. *Termination of pregnancy for fetal anomaly*. Retrieved from <https://www.bpas.org/get-involved/advocacy/briefings/fetal-anomaly/>

<sup>iv</sup> *Roe v. Wade*, 410 U.S. at 163-64. *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833 (1992).

<sup>v</sup> Guttmacher Institute. (2017, January). *Evidence You Can Use: Later Abortion*. Retrieved from <https://www.guttmacher.org/evidence-you-can-use/late-abortion>