



**Testimony for the House Health and Government Operations  
Committee  
March 19, 2021**

**HB 846 – Public Health – Abortions – Prenatal Diagnosis of  
Down Syndrome (Down Syndrome Dignity Act)**

JOSEPH SPIELBERGER  
PUBLIC POLICY COUNSEL

**UNFAVORABLE**

AMERICAN CIVIL  
LIBERTIES UNION  
OF MARYLAND

3600 CLIPPER MILL ROAD  
SUITE 350  
BALTIMORE, MD 21211  
T/410-889-8555  
or 240-274-5295  
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS  
JOHN HENDERSON  
PRESIDENT

DANA VICKERS SHELLEY  
EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL

The ACLU of Maryland and the organizations listed below oppose HB 846, which would allow the State to interfere with a woman’s decision to terminate a pregnancy because of a prenatal diagnosis of Down Syndrome. This bill violates Fourteenth Amendment due process rights, and is an unconstitutional attack on the well-established right for a woman to make her own decision whether to continue or terminate a pregnancy.

The U.S. Supreme Court has long recognized this right. Over 40 years ago, the Court held in *Roe v. Wade*<sup>1</sup> that a state may never ban abortion prior to viability. This principle has been repeatedly upheld for decades.<sup>2</sup> In recent years, states have begun passing similar bills to HB 846, but every appellate court so far has struck them down, most recently the Seventh Circuit earlier this month.<sup>3</sup>

This bill does nothing to improve the lives of people with disabilities, or provide information, resources, and support for families to raise their children with dignity. Instead, it is a thinly-veiled attempt to advance an anti-abortion agenda and contravene fundamental rights of privacy and reproductive autonomy.

Every pregnancy is different, and each individual’s circumstances and needs are unique. The decision whether to continue or terminate a pregnancy is an inherently private and personal one, to be made by a

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<sup>1</sup> 410 U.S. 113 (1973).

<sup>2</sup> *Gonzalez v. Carhart*, 550 U.S. 124, 145 (2007) (“Before viability, the State’s interests are not strong enough to support a prohibition of abortion or the imposition of a substantial obstacle to the woman’s effective right to elect the procedure.”) *See also* *Planned Parenthood v. Casey*, 505 U.S. 833, 871 (1992) (“The woman’s right to terminate her pregnancy before viability is the most central principle of *Roe v. Wade*. It is a rule of law and a component of liberty we cannot renounce.”).

<sup>3</sup> *Planned Parenthood of Indiana v. Box*, No. 17-2428 (7th Cir. 2021).



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woman herself with the advice of a health care professional she trusts, not the government. Restrictions that prevent women from getting the care they need jeopardize their health and well-being, and intrude into the patient-provider relationship.

Instead of blocking access to the full range of essential reproductive health care, the General Assembly must advance measures that respect women's dignity, and their right to make these personal decisions based on their own circumstances. Maryland must ensure that women have the information and resources they need to make decisions that are best for themselves and their families, which includes the ability to end a pregnancy.

Although there is no question that there exists widespread prejudice against people with disabilities, forcing an individual to carry a pregnancy to term against their will does nothing to address systemic ableism and discrimination. Efforts to promote rights of people with disabilities does not require compromising other fundamental rights. HB 846 would take away these rights from individuals and place them in the hands of government actors.

We oppose HB 846 because it is unconstitutional and puts politics above women's health and their lives. We therefore urge an unfavorable vote on HB 846.

Respectfully,



Maryland



Planned Parenthood of Maryland



Women's  
Law Center  
*of Maryland*