

**Oppose**

**Senate Bill 357 – Pain Capable Unborn Child Protection Act**

Senate Finance Committee

March 10, 2020

Planned Parenthood of Maryland (PPM) believes fundamentally that decisions concerning an individual woman’s health should be made by her with the advice of her health care provider, and the support of her family and friends. The bill proposes to prohibit abortions involving pregnancies lasting 20 weeks or more. The only exception to the prohibition is for “medical emergencies” which is defined in the bill as the risk of death or substantial and irreversible physical impairment of a major bodily function. PPM opposes this bill for the following reasons:

- **This bill is an attempt to legislate medical decisions.** Any medical decision, including decisions about pregnancy, should be made by a woman and her health care provider;
- **The bill is dangerous to women’s health because it will delay care.** Physicians should be able to consider all medical options with their patients. While the bill includes an exception for medical emergencies, it is ill-defined and confusing. Physicians will be forced to waste valuable time trying to interpret this provision in the midst of a medical emergency. Delays in care will put women at risk;
- **This bill is dangerous to women’s health because it will deny care.** In a medical emergency, the long-term risk to the patient is often unclear. A medical situation – which may not meet the definition of medical emergency initially – can quickly become more serious putting a woman in jeopardy. Many serious physical illnesses and all serious mental health illnesses will not meet the definition of medical emergency; and a woman facing a difficult decision about terminating a pregnancy with severe fetal abnormalities will be denied access to services.
- **This bill will penalize physicians who are helping women.** The bill contains multiple provisions to penalize physicians through disciplinary action by the Board of Physicians, substantial civil fines, and civil lawsuits. As a result, any physician who performs a later abortion – even when there is a medical emergency – will be putting themselves at risk; and
- **The bill is unconstitutional.** Federal district courts have enjoined similar legislation in Arkansas and Utah (18 weeks) as well as Mississippi and Utah (20 weeks). Maryland should not go down this path.

Thank you for the opportunity to submit this testimony. We urge an unfavorable report on Senate Bill 875.