

Pregnant Person's Freedom Act

HB0626/SB0669

Sponsored by Delegate Nicole Williams and Senator Will Smith

Summary: The Pregnant Person's Freedom Act would prohibit the subjection of pregnant people or those who have experienced pregnancy loss or termination to Maryland's criminal justice and/or civil court systems. The bill would also protect individuals who provide support to people who are experiencing a pregnancy loss or seeking abortion care.

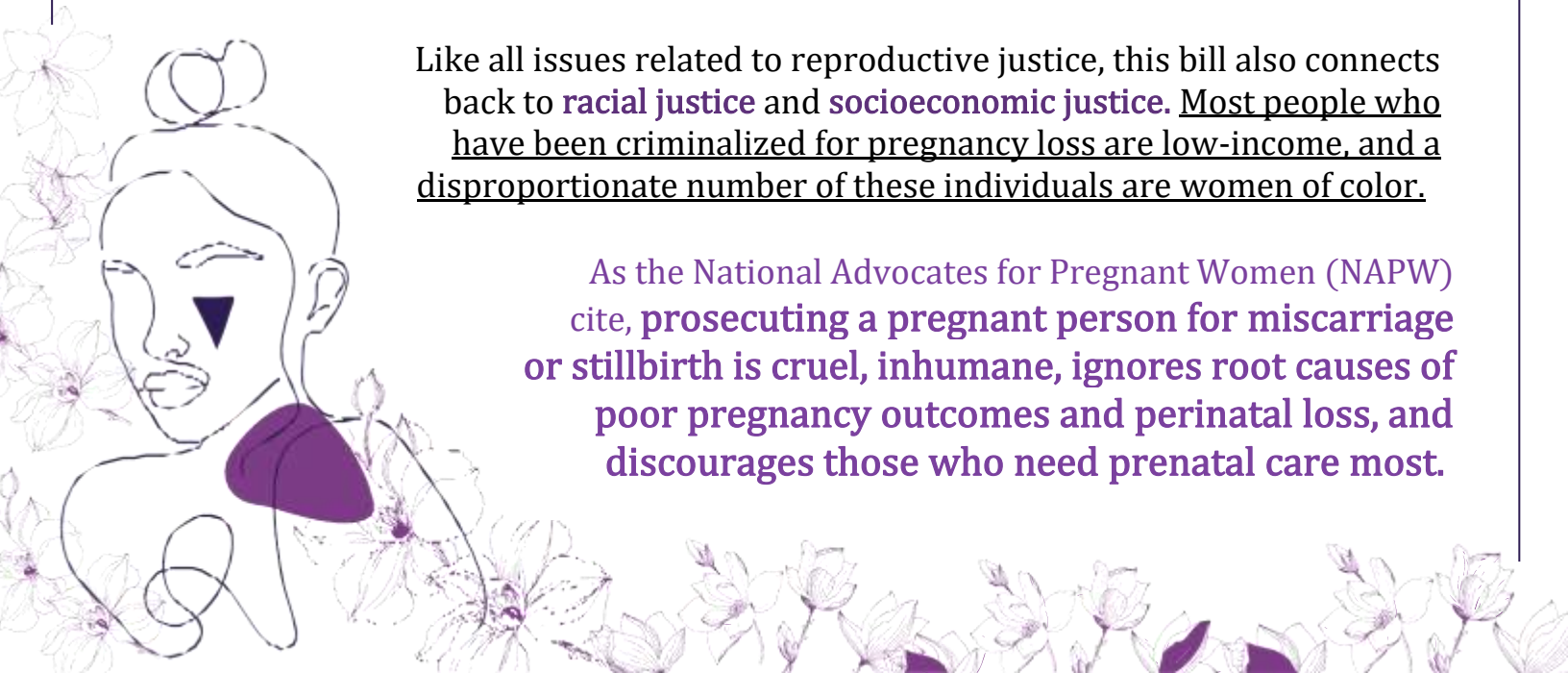
This bill is important because the criminalization of pregnancy loss is a reproductive justice and harm reduction issue.


Since the 1973 *Roe v. Wade* ruling, there have been several hundred individuals across our county who have been subjected to criminal investigation, arrest, prosecution, and/or conviction for pregnancy loss or the threat thereof. These situations have involved pregnant people who have experienced miscarriage or stillbirths; have defended themselves against forced C-sections; have been suspected of taking legal or illegal substances while pregnant; experienced a physical accident that threatened or ended the pregnancy; did not receive prenatal care; or, engaged in the termination of a pregnancy outside of a clinical setting.

Criminalization of pregnancy loss is often closely tied to the classification of embryos, zygotes, and fetuses as being persons and thus having "personhood." Individuals who have experienced pregnancy loss have been prosecuted with a range of malicious charges that disregard the pregnant person's well-being, including fetal homicide; child abuse and neglect; reckless endangerment, and more.

Like all issues related to reproductive justice, this bill also connects back to **racial justice** and **socioeconomic justice**. **Most people who have been criminalized for pregnancy loss are low-income, and a disproportionate number of these individuals are women of color.**

As the National Advocates for Pregnant Women (NAPW) cite, **prosecuting a pregnant person for miscarriage or stillbirth is cruel, inhumane, ignores root causes of poor pregnancy outcomes and perinatal loss, and discourages those who need prenatal care most.**





Across the country, the rights of pregnant people—including those who are seeking abortion care—are under attack. If Maryland is to continue to be a leader in reproductive freedom, we must stand up and act.

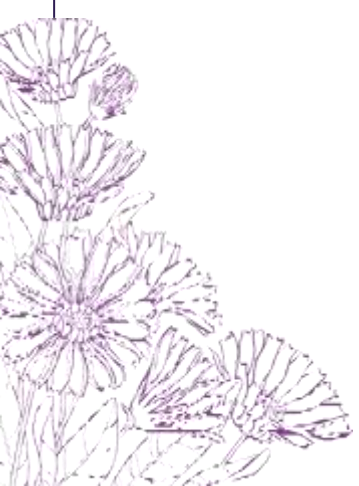
What will this bill do?

Revising MD Criminal Law § 2-103 provides an opportunity to strengthen the protections Maryland already affords to pregnant people, sending a clear signal to law enforcement and prosecutors that nobody should be punished for having an abortion, losing a pregnancy, or suffering an infant loss.

The legislation has four key provisions:

- 1) a pregnant person is not liable for civil damages or subject to criminal investigation or penalty for terminating or attempting to terminate the person's own pregnancy under any circumstances;*
- 2) the state does not have the authority to criminally investigate or penalize a pregnant person who has experienced a miscarriage, perinatal death related to a failure to act, or stillbirth;*
- 3) a person is not subject to criminal penalties or civil damages for aiding, informing, or in any way assisting a pregnant person in terminating or seeking to terminate the person's pregnancy;*
- 4) a person may bring a cause of action for damages if the person was subject to unlawful arrest or criminal investigation for a violation of these provisions.*

Our right to live free from undue criminalization does not disappear when we become pregnant. People who are experiencing a pregnancy loss—be it induced or spontaneous—deserve quality health care and compassion. More than [10-20%](#) of known pregnancies end in miscarriage. [One in four women](#) will have an abortion in their lives. Pregnancy is complicated; prosecuting someone for having a natural bodily function, including pregnancy loss, is not – it's simply wrong.



For more information on this bill, or if you are interested in sponsoring or writing testimony in support of the bill, contact Delegate Nicole Williams at Nicole.Williams@house.state.md.us