

Maryland's Abortion Bill: What You Must Know Now! — Deborah Brocato — 2024-01-18

The day before the March for Life in Washington DC, Deborah Brocato gave a talk to TASTE on “Reproductive Freedom” and what we will be voting for or against in November 2024. She began with a historical perspective of Maryland Laws associated with this topic and how it evolved from 1991 to today. With this foundational understanding, she clearly articulated the proposed Constitutional Amendment by dissecting it to explain the lies and deception surrounding it as well as its harmful impacts. Finally, she challenged us to take action to help this cause and provided some suggestions.

PART I — MARYLAND LAW — Deborah walked through 4 laws spanning the years from 1991 to 2023.

A. MARYLAND FREEDOM OF CHOICE ACT OF 1991 — “The State may not interfere with the decision of a woman to terminate a pregnancy: (1) Before the fetus is viable; or (2) At any time during the woman's pregnancy, if [t]he termination procedure is necessary to protect the life or health of the woman; or . . . [t]he fetus is affected by genetic defect or serious deformity or abnormality.” While it talks about the “viability of the baby”, the clause “protect the life or health of the woman” opened the door for abortion to be legal through all 9 months of pregnancy since anxiety is a reason to be able to have an abortion. Parental notification of minor girls is determined by the abortion provider (physician).

B. MENTAL HEALTH ACCESS INITIATIVE OF 2021 — “A minor who is 12 years old or older who is determined by a health care provider to be mature and capable of giving informed consent has the same capacity as an adult to consent to consultation, diagnosis, and treatment of a mental or emotional disorder by [a] the health care provider or a clinic.” ... “A health care provider may decide to provide information to a parent, guardian, or custodian of a minor under paragraphs (1) and (2) of this subsection unless the health care provider believes that the disclosure will lead to harm to the minor or deter the minor from seeking care.” Here we have the lowering of the age of consent to seek mental health care from age 16 to 12. Once again, we see the removal of parents from the child's health care decisions & turned over to the physician.

C. ABORTION CARE ACCESS ACT OF 2022 — Here we see the removal of the physician requirement to prescribe abortion drugs and provide surgical and medical abortions. Rather, the abortion is provided by a “qualified provider” who is an individual licensed, certified, or otherwise authorized by law to practice in the State. While we do not know what the training is, we do know the person will not have 4 years of undergraduate training, 4 years of medical school, & residency. This act requires all insurance providers to cover the cost of an abortion. Medicaid was already covering abortion and we know that to get the budget for the abortions, they have to report on how many & why these women are having abortions. For 3 years in a row (2018, 2019, and 2020), we were spending almost \$10M a year for about 9 to 10K abortions. How many women were having it for rape, incest, or life of the mother? Zero! Yet this was the moral justification for the 1991 law. Every Marylander is paying for abortion since it is completely paid for and that even includes people that are coming from out of state. While the decision to notify parents is still at the discretion of the abortion provider, it is now someone who may or may not be a doctor. This act provides for a special fund of \$3.5 million per year that is set aside for abortion training. Bottom line, abortion is being treated very differently from any other type of medical procedures.

D. TRANS HEALTH EQUITY ACT OF 2023 — This act ensures non-discrimination to provide all drugs and surgeries for “gender affirming” care, including puberty blockers. And who needs puberty blockers? Certainly not adults! So once again, minors are being required to be included. Medicaid must pay for the drugs and surgeries. While there were requests to exclude minors and require parental notification, they were rejected. So this is another case where there is an attempt to remove parents from the decision-making for their children. Interestingly, in the criminal justice system, juveniles are treated like minors as they should be because they don't understand the consequence of their actions. So why would minors be allowed to make irreversible Health Care decisions about their bodies? It is obvious that this is deliberate.

PART II — CONSTITUTIONAL AMENDMENT — What is the difference between a law and an amendment? A law is passed by our general assembly in Annapolis which is our legislative body comprised of a Senate and a House of Delegates. Amending our constitution requires a bill being passed and then voters decide whether to put it in our Maryland Constitution. This is what is happening in November in the general election (not primary ballot).

DECLARATION OF RIGHTS – RIGHT TO REPRODUCTIVE FREEDOM — The Constitution will be amended to say: “Every person, as a central component of an individual's right to liberty and equality, has the fundamental right to reproductive freedom, including but not limited to the ability to make and effectuate decisions to prevent, continue, or end one's own pregnancy. The State may not, directly or indirectly, deny, burden, or abridge the right unless justified by a compelling state interest achieved by the least restrictive means.”

THE BALLOT QUESTION — “The proposed amendment confirms an individual's fundamental right to an individual's own reproductive liberty and provides the State may not, directly or indirectly, deny, burden, or abridge the right unless justified by a compelling State interest achieved by the least restrictive means.” While this language is according to the bill that was passed, it may change since it is not yet certified. The language that will be on the ballot does not match the amendment language so this is another bait & switch to confuse voters even more. We don't even have the question # because that make it easier for us to say “Vote against question #x.” The language does not need to be certified until August 2nd — giving a short window for us to educate. The Secretary of State and the Governor of our state determine the language and because they are in favor of this, they are going to put language on the bill that will make people want to vote and say yes.

AMENDMENTS DENIED — The following efforts were rejected: 1) Change the words person and/or individual to woman, 2) Exclude minors from the amendment or add a minimal age requirement, 3) Replace reproductive freedom with “abortion” & 4) Match the ballot language to the amendment language. If they wanted to make this specifically about abortion rights, the amendment language would be very simple like “The State of Maryland recognizes a woman’s right to prevent, continue, or end her own pregnancy and the state may not indirectly or directly deny or abridge that right.” But it’s clearly not only about abortion, so this language is deliberately vague. It includes undefined terms such as Reproductive Freedom/Liberty/Autonomy (all of which are used interchangeably and can go beyond abortion) and “Person and Individual” (which can be interpreted as either male or female, adult or child). We know from the Marijuana Legalization Amendment that when they want to specify which “individuals,” they can since that one limited it to those who are 21 years of age or older.

NATION-WIDE AGENDA — Reproductive freedom amendments similar to ours have already been passed in California, Michigan, Ohio, and Vermont. In November 2024, this will be on the ballot in Maryland and NY and there are at least 10 other states including PA and AZ who are trying to get this on their ballot. It’s about social upheaval & completely redefining our concepts of male, female, children, parents, & family. It is urgent that we let Maryland be the first victory in this battle to stop this agenda since as one legislator said “it would create new and unlimited rights for all individuals regardless of age.”

WHAT’S THE HARM?

- **LOSS OF PARENTAL RIGHTS** — This serious agenda is about taking away parent’s rights and giving them to the state or school administrators. In Montgomery County, a federal judge ruled against the parents who found out that children were identifying as something different at school and the school was not informing the parents. The parents took the Montgomery County Public School System to court and a federal judge ruled in favor of the school system. Parents in California are being sued for not going along with gender transitioning for their children. Sadly, when someone chooses to go down this path, there is a lifelong dependency on medications and surgeries to constantly alter their bodies to look like what they feel is their true gender identity. Even without this amendment, adults in Maryland already have the right to pursue these drugs and procedures. But we don’t want children to be able to make these decisions without their parents.
- **DECREASED QUALITY AND SAFETY FOR MEDICAL CARE** — In California, they already have school-based health centers run by Planned Parenthood. In Maryland, they say we need more counselors in the school. We see where this is leading. They want Telehealth in school & say parents will not have to come to school to pick up their child and take them for an appointment. The kids could talk to somebody about things right in the school and the parents will not even know what they are discussing. The parents have the child’s best interest at heart so they need to be engaged for consent since a child is not going to know all the questions to ask with regards to the quality and safety of drugs or surgeries.
- **LOSS OF CONSCIENCE PROTECTION FOR HEALTHCARE PROFESSIONALS** — In spite of taking the Hippocratic Oath to do no harm, Healthcare professionals are being forced to participate in gender affirming surgery if they want to maintain their livelihood. If they do not, they could get fired or be sued for preventing someone from exercising the right.
- **CRISIS PREGNANCY CENTERS LITIGATED INTO CLOSING** — In states that have passed Reproductive Freedom, pregnancy centers are being sued, claiming that they are giving out misinformation and pregnancy centers that offer the abortion reversal pill are being sued claiming it is medical malpractice. Whether these lawsuits have a good foundation or whether they pass, it is the process that could put pregnancy centers out of business because they rely on the generosity of private donations as opposed to the abortion industry that gets a lot of money from our taxes. Planned Parenthood is now not only in the business of abortion, but also dispensing cross hormones & puberty blockers which is big business. Pregnancy centers will need to use money that would otherwise be used for their clients for legal defense and there are not enough pro bono lawyers and organizations for these pregnancy centers so they could be litigated out of existence.
- **LOSS OF FREE SPEECH** — Most of us do not have enough money to defend ourselves against the state if they decide to sue us for what they will claim is preventing someone from exercising their Reproductive Freedom by speaking out against it.

YOU CAN HELP — There are multiple ways people can help now that we understand the language.

- **Stay informed and spread the word** – Speak with your family, friends, and neighbors – Focus on common ground issues / common sense issues: 1) loss of parental rights, 2) health & safety of these procedures, 3) costs for these elective procedures will increase our health care costs, 4) loss of conscience protection, and 5) loss of free speech.
- **Guide others to on-line resources** – <https://www.healthnotharmmd.org/> for more information.
- **Donate financially** – Help support direct mail and Radio/TV ads especially as we get close to election. Checks payable to Health Not Harm Maryland. Mail to: Health Not Harm MD, PO Box 599, Fallston, MD 21047.
- **Volunteer** – Share your talents with Health Not Harm Maryland. They are looking for social media experts to coordinate, develop, and distribute messaging and very specific slogans to put on Instagram, X, and Facebook. Go through Deborah who can send messages to the Country Coordinators to get messages out to the public about this amendment or contact healthnotharmmd@gmail.com to volunteer.
- **Get another speaking arrangement** – Get the word out further.