



**Written Testimony of Olivia F. Summers<sup>1</sup>  
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American Center for Law & Justice**

**Re: In Support of HB 1075, Health – Informed Consent, “Woman’s Right to Know Act”**

**March 8, 2019**

For the reasons set forth herein, the American Center for Law & Justice (“ACLJ”), on behalf of over 164,000 concerned citizens, including nearly 2,000 from Maryland who have signed onto our Committee to Defend Pro-life Laws, urges that Maryland legislators vote YES on H.B. 1075. The Woman’s Right to Know Act is constitutional under the U.S. Constitution and Supreme Court precedent.

*1. The Woman’s Right to Know Act Serves Maryland’s Profound and Valid Interest in Informing Women About the Facts of Abortion*

In *Planned Parenthood v. Casey*, the Supreme Court ruled that States have a profound and valid interest in taking “measures to ensure that the woman’s choice [whether to have an abortion] is informed . . . .” Further, “measures designed to advance this interest will not be invalidated as long as their purpose is to persuade the woman to choose childbirth over abortion.”<sup>2</sup>

The Court also stated,

[The] lack of information concerning the way in which the fetus will be killed . . . is of legitimate concern to the State. The State has an interest in ensuring so grave a choice is well informed. It is self-evident that a mother who comes to regret her choice to abort must struggle with grief more anguished and sorrow more profound when she learns, only after the event, what she once did not know: that she allowed a doctor to pierce the skull and vacuum the fast-developing brain of her unborn child, a child assuming the human form.<sup>3</sup>

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<sup>2</sup>*Planned Parenthood v. Casey*, 505 U.S. 833, 878 (1992).

<sup>3</sup>*Gonzales v. Carhart*, 550 U.S. 124, 159-60 (2007).

## 2. *The Woman's Right to Know Act Ensures that Women Actually have Choices*

If you only have one option, it is not a real choice. As the Supreme Court stated in *Casey*, what abortion laws serve to protect “is the woman’s right to make the ultimate decision, not a right to be insulated from all other[ decisions] in doing so.”<sup>4</sup>

Abortion is an act that is intended to permanently end the life of an unborn child. That act is extremely grave, gruesome, and irreversible. Thus, a woman’s decision should be fully informed, and should be made only after careful consideration of all the facts.

Informed consent laws, such as HB 1075, properly require doctors and assistants to disclose to women the nature and risks of the abortion procedure, as well as the effect of the abortion on the unborn child – namely, the type of procedure that will be performed, as well as the pain the unborn child may feel during abortion that end his or her life. HB 1075 also appropriately requires that women be informed of *alternatives* to abortion, and that they be counseled accordingly.

Abortion can cause physical harm, beyond the death of the unborn child. This can result directly from the procedure itself (e.g., perforation of the uterus, laceration of the cervix), from the deprivation of the health benefits of continuing pregnancy (e.g., eliminating the protective effect of a full-term pregnancy against breast cancer), or by masking other dangerous symptoms (e.g., a woman with an infection or an ectopic pregnancy may believe her symptoms are merely normal after-effects of abortion, leading her to delay seeking medical help).<sup>5</sup>

Ensuring that a woman is fully aware of all these facts informs her decision and truly gives her choices.

## 3. *The Woman's Right to Know Act is Not a “Substantial Obstacle” to a Woman’s “Right to Choose”*

It is undisputed that the abortion precedents of the U.S. Supreme Court allow states to create and enforce “[r]egulations which do no more than create a structural mechanism by which the State or the parent or guardian of a minor, may express profound respect for the life of the unborn . . . if they are not a substantial obstacle to the woman’s exercise of the right to choose.”<sup>6</sup>

According to reports, “approximately 40 percent of post-aborted women were still hoping to discover some alternative to abortion when going for counseling at the abortion clinic.”<sup>7</sup> Moreover, the negative effects of abortion upon a woman’s physical and mental health after abortion have now been documented extensively.

The Supreme Court has previously and repeatedly recognized, “Abortion is inherently different from other medical procedures, because no other procedure involves the purposeful termination of

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<sup>4</sup>Casey, 505 U.S. at 877.

<sup>5</sup>See generally Physical effects of abortion: Fact sheets, news, articles, links to published studies and more, The UnChoice, [www.theunchoice.com/physical.htm](http://www.theunchoice.com/physical.htm) (listing sequelae and referencing sources); Reardon, Deaths Associated with Abortion, *supra*, at 311-17 (same).

<sup>6</sup>Casey, 505 U.S. at 877; reaffirmed in *Gonzales*, 550 U.S. at 146.

<sup>7</sup>David C. Reardon, Informed Consent: The Abortion Industry’s Achilles’ Heel, ELLIOT INSTITUTE, [http://www.afterabortion.org/PAR/V2/n2/INCONSNT.htm#N\\_34\\_](http://www.afterabortion.org/PAR/V2/n2/INCONSNT.htm#N_34_).

a potential life.” *Harris v. McRae*, 448 U.S. 297, 325 (1980). This is important to note, as it highlights the significance of ensuring that women are fully informed about abortion procedures and their consequences.

As stated above, full and complete disclosure of all options and all facts is what creates choice. Failure to fully inform a woman of all the facts of and alternatives to abortion leads to compulsion, and H.B. 1075 is an important step in ensuring that women are fully informed and are exercising true choice.

### **CONCLUSION**

In short, for the reasons stated above, the ACLJ supports the proposed bill, should be upheld as valid under the U.S. Constitution.