

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



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May 5, 2023

Senator Anne Carney, Chair
Representative Matt Moonen, Chair
Members, Joint Standing Committee on Judiciary
100 State House Station
Augusta, ME 04333-0100

Re: LD 771 – *An Act to Protect a Woman's Right to Withdraw Consent for an Abortion*
LD 1197 – *An Act to Prevent Coerced Abortion*

Senator Carney, Representative Moonen, and Members of the Joint Standing Committee on Judiciary:

This letter is to provide information regarding the opposition of the Department of Health and Human Services to both LD 771, *An Act to Protect a Woman's Right to Withdraw Consent for an Abortion* and LD 1197, *An Act to Prevent Coerced Abortion*.

LD 771 would make changes to the informed consent laws in 22 MRS by changing language from “abortion is performed” to “fetus has died” and requires that a provider not “knowingly perform or aid in the performance of an abortion” after a minor or adult has withdrawn their consent for abortion.

LD 1197 would amend the informed consent to abortion laws by requiring that the health care professional performing an abortion provide orally and in writing a host of information, including an offer to call law enforcement on the patient's behalf, as well as to provide a refund if consent for a procedure is withdrawn.

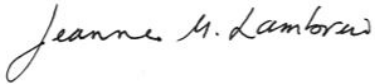
DHHS is not aware of concerns with the strength of Maine's consent laws and requirements. Further, singling out abortion care for this unnecessary and overly prescriptive information perpetuates stigma about the situations in which individuals seek abortion.

According to the American College of Obstetrics and Gynecology, laws that require physicians to give, or withhold, specific information when counseling patients, or that mandate which tests, procedures, treatment alternatives or medicines physicians can perform, prescribe, or administer are ill-advised. Abortion providers—like all medical providers—are ethically bound to provide patients with information about options, procedure details and any other information a provider deems pertinent after assessing each patient's unique health needs and circumstances. Providers are also required to obtain informed consent, which means they must verify that patients possess the capacity to make decisions about their care, that their participation in these decisions is voluntary, and that they receive adequate and appropriate information¹.

¹ Guttmacher Institute, (Jan. 2020); <https://www.guttmacher.org/evidence-you-can-use/mandatory-counseling-abortion>

Both of these bills seek to limit access to a safe, legal, routine medical procedure that Maine people should be able to access when determined by themselves and their doctor. For these reasons, the Department is opposed, and we urge the Committee to vote ought not to pass.

Sincerely,

A handwritten signature in cursive script that reads "Jeanne M. Lambrew".

Jeanne M. Lambrew, Ph.D.
Commissioner