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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 1614 - *An Act to Require an Ultrasound and Certain Counseling Before an Abortion*

Dear Senator Carney, Representative Moonen, and Members of the Committee Judiciary:

This letter is to provide information about LD 1614, *An Act to Require an Ultrasound and Certain Counseling Before an Abortion*, and the potential impact of the proposed legislation, if enacted.

The Maine Center of Disease Control and Prevention (Maine CDC) opposes this bill and offers the following comments for your consideration.

LD 1614 requires a health care professional to ensure that a pregnant person undergoes an ultrasound and receives information about alternatives to abortion, including parenting the child, at least 48 hours before they can have an abortion. The existence of a medical emergency eliminates the 48-hour waiting period. The bill defines 'medical emergency' to mean a condition that, on the basis of the good faith clinical judgment of a health care professional complicates the medical condition of a pregnant person to necessitate aborting the pregnancy to avert that person's death or to avoid a delay that would create serious risk of substantial and irreversible impairment of a major bodily function.

The Maine CDC defers to best practices and standards of care established by professional organizations regarding recommendations for medical procedures. It asserts these decisions should be made between a provider and their patient, taking established standards into account. While many states have established requirements for abortion providers, including educating patients on alternatives and reviewing ultrasound images with the patient prior to an abortion, before passing restrictive laws, it is important to take into account individual circumstances (i.e. medical, social and economic influences) existing for patients seeking abortion services. The addition of a 48-hour waiting period provides an inequity of care for the patient given the availability of providers, the distance they may have to travel and the costs associated with needing multiple appointments.

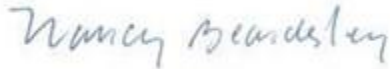
According to the American College of Obstetrics and Gynecology, laws that require physicians to give, or withhold, specific information when counseling patients, or that mandate which tests, procedures, treatment alternatives or medicines physicians can perform, prescribe, or administer

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. Additionally, routine ultrasound is not considered medically necessary as a component of a first-trimester abortion; under Medicaid, Maine will not receive federal match for a service that is not deemed medically necessary.

In summary, the Maine CDC respectfully recommends this bill ought not to pass as the requirements outline in this bill are not within nationally recognized standards of care. In Maine, health care providers perform abortion services effectively under the current regulations and we do not see the need for State laws requiring all pregnant people to undergo an ultrasound, which may be not medically necessary, or that removes a person’s choice whether to have their providers deliver onto them information about abortion alternatives and parenting before they can have an abortion procedure completed.

Thank you for your consideration of this matter. The Maine CDC is available to provide additional details for the Committee’s consideration.

Respectfully,



Nancy Beardsley, Acting Director
Maine Center for Disease Control and Prevention

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