



Senator Carney, Representative Moonen, and esteemed members of the Joint Standing Committee on the Judiciary, my name is Lisa Margulies, I serve as Vice President of Public Affairs, Maine, for Planned Parenthood of Northern New England, and I am pleased to submit testimony in support of LD 780 and express my strong support for a constitutional amendment explicitly protecting reproductive autonomy.

Planned Parenthood of Northern New England provides comprehensive reproductive and sexual health care to more than 7,500 people in Maine at four health centers located in Biddeford, Portland, Sanford and Topsham. People turn to us for affordable, high-quality care including wellness exams, birth control, disease testing and treatment, cancer screenings, abortion care as well as a variety of primary care services. We see everyone who comes to us regardless of ability to pay, and in a typical year, we provide more than \$1.4 million in free and discounted care to our communities in Maine.

As a mission driven health care provider, we fundamentally believe everyone should be able to access affordable, high quality sexual and reproductive health care in their communities, no matter where they live or how much money they make, and we advocate for policies that help make this vision a reality. All people deserve to access comprehensive reproductive health care, including abortion and gender-affirming care, free from shame, stigma, and intimidation.

This amendment would explicitly enshrine in our state constitution the right to make personal, private medical decisions about reproductive health care, including whether to use birth control, start a family, access fertility treatment, and receive abortion care. Because of your leadership in the statehouse, Maine's laws firmly protect these rights, and Maine serves as a safe harbor for patients from throughout the country seeking care. In the first full legislative session since the U.S. Supreme Court overturned *Roe*, this legislature passed a slate of bills that protected bodily autonomy and improved access to and affordability of essential reproductive health care.

Despite the protections of Maine law, Planned Parenthood of New England is navigating attacks on reproductive health care at the national level and facing serious threats to our ability to provide comprehensive medical treatment to our patients. Even before the fall of *Roe*, reproductive health care providers have contended with ongoing pressures and barriers to serving our patients—even here in Maine—which have only intensified in recent years, including but not limited to:

- Efforts to severely restrict Title X funding for reproductive health care providers that offer abortion, even though such funding is not used to cover abortion care
- A court challenge to remove mifepristone, a safe and effective medication used for over 20 years in medication abortion, from the market nationwide



- Increased demand on health care providers in states where abortion remains legal; one in five patients seeking abortion is now traveling out of state as opposed to one in ten in 2020ⁱ
- Attempts to prevent or even criminalize individuals who help patients obtain care out of state in states where abortion is banned or severely restrictedⁱⁱ
- An epidemic of misinformation about abortion that prevents patients from accessing accurate medical information to make informed personal health decisionsⁱⁱⁱ

Planned Parenthood of Northern New England continues to meet these types of challenges head on and is committed to providing care to every person who needs it, no matter what.

In light of these issues, Maine's strong laws are essential in enabling Planned Parenthood of Northern New England and other providers to deliver comprehensive reproductive health care to all. But these laws are not guaranteed. In 2023, there were at least eight legislative proposals that aimed to dismantle Mainers' rights to reproductive health care and severely compromise the care our patients needs and deserve. Though we firmly believe our state constitution, as written, protects reproductive autonomy, a constitutional amendment would make even more explicit our patients' rights to make choices about their reproductive health care and health care providers' ability to ensure patients receive the highest level of care.

The amended language for the proposed constitutional amendment provides a number of safeguards for patients seeking healthcare along with providers. If enacted, its provisions would be much more difficult to undo than law. As amended, the constitutional amendment would:

- Require the most stringent standard of review for governmental infringement on reproductive autonomy, or "strict scrutiny." This standard would require a compelling governmental interest accomplished by only the least restrictive means to infringe on reproductive autonomy. This would be significantly more protective than the "undue burden" standard ushered in by *Casey*, which displaced a more rigorous standard in *Roe*. *Casey* enabled targeted restrictions on abortion providers, or TRAP laws, that deliberately limited access to health care and severely eroded abortion rights.^{iv}
- Further limit "compelling interest" to the narrow purpose of improving or maintaining the health of an individual seeking care, in line with accepted clinical standards and evidence-based medicine, without infringing on individual autonomous decision-making. This definition of "compelling" guards against attempts to label "fetal personhood" a compelling governmental interest.
- Apply to the actions of both State and local governments, in line with LD 1343 last session, which prohibited political subdivisions of the State from adopting rules or regulations about abortion.



- Ensure no other provisions of the law or existing case law that support reproductive rights are abrogated by stating that these provisions do not narrow or limit the rights to privacy or equal protection.

Should this bill pass, Maine will join the ranks of states throughout the country that have asked voters to weigh in on reproductive rights in the wake of *Dobbs*. In each and every one of these states, voters overwhelmingly supported personal bodily autonomy, from Ohio to Montana, from Kansas to Kentucky.^v With federal protections for abortion revoked and other federal reproductive rights in jeopardy, it's more important than ever that voters have the opportunity to affirm that reproductive rights are fundamental human rights.

Thank you for your efforts to protect Mainers' reproductive rights and ensure that voters have the chance to speak at the ballot box.

ⁱ Guttmacher Institute, *The High Toll of US Abortion Bans: Nearly One in Five Patients Now Traveling Out of State for Abortion Care*, December 2023, <https://www.guttmacher.org/2023/12/high-toll-us-abortion-bans-nearly-one-five-patients-now-traveling-out-state-abortion-care>

ⁱⁱ Geoff Mulvihill, *Things to know about efforts to block people from crossing state lines for abortion*, November 2023, <https://apnews.com/article/abortion-texas-idaho-alabama-state-lines-trafficking-d314933f3f7db93858561a0c6ad0b188>

ⁱⁱⁱ Tiffany Leung, *The Next Infodemic: Abortion Misinformation*, May 2023, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10196890/>

^{iv} Planned Parenthood Action Fund, *What Are TRAP Laws?*, <https://www.plannedparenthoodaction.org/issues/abortion/types-attacks/trap-laws>

^v See also: California (2022); Michigan (2022); Vermont (2022)