

TESTIMONY OF MEAGAN SWAY, ESQ.

**Ought Not To Pass**

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

Joint Standing Committee on Judiciary

May 5, 2023

Senator Carney, Representative Moonen and distinguished members of the Joint Standing Committee on Judiciary, greetings. My name is Meagan Sway, and I am policy director of the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I am here to testify against LD 1614.

If enacted, this legislation would require a medical provider to do the following when a patient seeks an abortion: provide alternatives to abortion even when the patient does not request it, perform a medically unnecessary ultrasound, explain in detail “what the ultrasound images are depicting,” show the patient the ultrasound, get a signed consent form that the patient has been presented with the ultrasound, and make the patient wait 48 hours from the time the ultrasound is performed before performing the abortion.

This violates medical providers’ First Amendment rights by compelling them to display the ultrasound and describe in detail features of the fetus, regardless of whether the physician or patient wishes for this to happen. This sort of mandate is opposed by major medical associations, including the American Medical Association, the American College of Obstetricians and Gynecologists, and the American Public Health Association, because it violates basic ethical and informed consent principles.

The requirement of a 48-hour waiting period between the time of the ultrasound and the abortion procedure requires patients to make two trips to the doctor’s office. Government-mandated delays serve no purpose other than to make obtaining an abortion more difficult, dangerous, and expensive for the patients who are least able to bear the burden of an unwanted pregnancy. The harm of such restrictions is felt mostly by those who have the fewest resources – poor patients, minors, rural patients, working patients without sick leave, and patients who are in dangerous interpersonal relationships.

Government mandated delays also prevent people from obtaining needed abortions. Research, including a study published in the Journal of the American Medical Association, shows that requiring women to make a separate trip to the clinic to receive the state-mandated information prevents between 10 and 13 percent of women from getting the abortions they seek. For these patients, making an initial trip to an abortion provider is incredibly difficult; making a second trip is impossible.

Pregnant people have the constitutional right to choose to carry their pregnancy to term or to terminate it. Doctors have the right not to be compelled by the government to speak. Because this bill would impermissibly infringe on both of those constitutional rights, we urge you to vote ought not to pass.