

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

Senate Bill 528
Finance

(Senator Simonaire, *et al.*)

Health - Medical Procedures - Ultrasound Options

This bill requires that, if an ultrasound is performed as part of an abortion procedure, the performing physician must (before the performance or inducement of the procedure and at no additional charge to the patient) provide the patient with an opportunity to view the active ultrasound image of the embryo or fetus and offer to provide the patient with a physical picture of the ultrasound image.

Fiscal Summary

State Effect: The bill does not directly affect governmental finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: The State may not interfere with a woman's decision to end a pregnancy before the fetus is viable or at any time during a woman's pregnancy if the procedure is necessary to protect the life or health of the woman or the fetus is affected by a genetic defect or serious deformity or abnormality. A viable fetus is one that has a reasonable likelihood of surviving outside of the womb.

If an abortion is provided, it must be performed by a licensed physician. A physician is not liable for civil damages or subject to a criminal penalty for a decision to perform an abortion made in good faith and in the physician's best medical judgment following accepted standards of medical practice.

Background: Several states require ultrasound services in association with abortion procedures. Seven states require that an abortion patient be offered the opportunity to view an ultrasound image prior to the abortion procedure. Two other states require that an opportunity to view an ultrasound image be offered only for abortion procedures performed after the first trimester. Ten states (Arkansas, Georgia, Idaho, Kansas, Michigan, Nebraska, Ohio, South Carolina, Utah, and West Virginia) require that an opportunity to view an ultrasound image be offered if an ultrasound is performed in preparation for the abortion procedure.

In 2008, 1.2 million American women obtained abortions, producing a rate of 19.6 abortions per 1,000 women of reproductive age. (This represents a 1% increase since 2005, when the abortion rate was 19.4 abortions per 1,000 women.) In Maryland in 2008, 34,290 women obtained abortions at a rate of 29 abortions per 1,000 women of reproductive age. (This represents an 8% decrease in abortions performed in Maryland since 2000, when the rate was 31.5 abortions per 1,000 women.) However, 87% of U.S. counties had no abortion provider in 2008 and one-third of American women lived in these counties. Therefore, it is likely that some women who received abortions in Maryland were from other states, while some Maryland residents received abortions in other states. For this reason, the Maryland rate may not accurately reflect the abortion rate of State residents.

Small Business Effect: Potential minimal increase in expenditures for any abortion providers that must provide additional pictures of ultrasound images.

Additional Information

Prior Introductions: SB 250 of 2010 received an unfavorable report from the Senate Finance Committee.

Cross File: None.

Information Source(s): Guttmacher Institute, Department of Health and Mental Hygiene, Maryland Insurance Administration, Department of Legislative Services

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mlm/mwc

Analysis by: Jennifer A. Ellick

Direct Inquiries to:
(410) 946-5510
(301) 970-5510