91r0739 CF SB 420

By: Delegates Wivell, Arikan, Chisholm, Hornberger, Kipke, Korman, Krebs, McComas, McKay, Miller, Morgan, Rose, Saab, and Szeliga

Introduced and read first time: February 6, 2019 Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

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Health - Abortions - Reporting Requirements

3 FOR the purpose of requiring certain physicians who perform abortions or certain 4 hospitals, facilities, and institutions in which an abortion is performed to report the 5 abortion to the Maryland Department of Health; requiring that the report be made 6 on a certain form, be completed by a certain physician, hospital, facility, or 7 institution, be transmitted annually to the Vital Statistics Administration within a 8 certain period of time, and include certain information; providing that the report 9 may include certain information but may not include certain identifying information; 10 establishing certain penalties; requiring the Department to adopt certain 11 regulations; authorizing the State Board of Physicians to take certain disciplinary 12 actions against a licensee who violates certain provisions of this Act; defining a 13 certain term; and generally relating to the reporting of information about abortions.

14 BY adding to

15 Article – Health – General

Section 20–217 to be under the new part "Part V. Reporting Requirements"

17 Annotated Code of Maryland

18 (2015 Replacement Volume and 2018 Supplement)

- 19 BY repealing and reenacting, with amendments,
- 20 Article Health Occupations
- 21 Section 14–404(a)(44) and (45)
- 22 Annotated Code of Maryland
- 23 (2014 Replacement Volume and 2018 Supplement)
- 24 (As enacted by Chapter 470 of the Acts of the General Assembly of 2018)

25 BY adding to

26 Article – Health Occupations

27 Section 14–404(a)(46)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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YEAR; AND

	2 HOUSE BILL 630		
1 2 3	Annotated Code of Maryland (2014 Replacement Volume and 2018 Supplement) (As enacted by Chapter 470 of the Acts of the General Assembly of 2018)		
4 5	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:		
6	Article – Health – General		
7	20-215. RESERVED.		
8	20-216. RESERVED.		
9	PART V. REPORTING REQUIREMENTS.		
10	20–217.		
11 12 13 14 15	(A) (1) IN THIS SECTION, "ABORTION" MEANS THE USE OR PRESCRIPTION OF ANY INSTRUMENT, MEDICINE, DRUG OR ANY OTHER SUBSTANCE OR DEVICE TO INTENTIONALLY KILL THE FETUS OF A WOMAN KNOWN TO BE PREGNANT OR TO INTENTIONALLY TERMINATE THE PREGNANCY OF A WOMAN KNOWN TO BE PREGNANT.		
16 17 18	(2) "ABORTION" DOES NOT INCLUDE ACTIONS PERFORMED AFTER VIABILITY TO PRODUCE LIVE BIRTH AND PRESERVE THE LIFE AND HEALTH OF THE FETUS BORN ALIVE, OR TO REMOVE A DEAD UNBORN FETUS.		
19 20 21	(B) A PHYSICIAN PERFORMING AN ABORTION OR A HOSPITAL, A FACILITY, OR AN INSTITUTION IN WHICH AN ABORTION IS PERFORMED SHALL REPORT THE ABORTION TO THE DEPARTMENT.		
22 23	(C) (1) THE REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL:		
24	(I) BE MADE ON A FORM DEVELOPED BY THE DEPARTMENT;		
25 26 27	(II) BE COMPLETED BY THE PHYSICIAN PERFORMING THE ABORTION OR BY THE HOSPITAL, FACILITY, OR INSTITUTION IN WHICH THE ABORTION WAS PERFORMED;		
28	(III) BE TRANSMITTED ANNUALLY TO THE VITAL STATISTICS		

ADMINISTRATION IN THE DEPARTMENT WITHIN 15 DAYS AFTER EACH REPORTING

1	(IV) I	NCLUDE THE FOLLOWING INFORMATION:
2 3	PATIENT;	. THE COUNTY AND STATE OF RESIDENCE OF THE
4 5	PATIENT;	. THE AGE, RACE, AND MARITAL STATUS OF THE
6 7	3. THE TIME OF THE ABORTI	
8 9	PERFORMED; AND	. The month during which the abortion was
10 11	5. TO TERMINATE THE PREG	
12 13 14	· ·	EPORT REQUIRED UNDER SUBSECTION (B) OF THIS HE PRIMARY REASON PROVIDED BY THE PATIENT FOR THE
15	(I) R	CAPE;
16	(II) I	NCEST;
17	(III) F	'INANCIAL HARDSHIP;
18	(IV) I	EDUCATIONAL CONCERNS;
19	(v) L	ACK OF RESOURCES;
20	(VI) P	PHYSICAL OR MENTAL INFIRMITY;
21	(VII) S	ERIOUS FETAL DEFORMITY;
22	(VIII) P	PRESSURE FROM OTHER INDIVIDUALS;
23	(IX) II	LL-TIMED PREGNANCY; AND
24	(x) A	BANDONMENT BY PARTNER OR FAMILY.
25 26	(D) THE REPORT NOT:	REQUIRED UNDER SUBSECTION (B) OF THIS SECTION MAY

2526

October 1, 2019.

1	(1)	INCLUDE THE NAME OR STREET ADDRESS OF THE PATIENT; OR	
2	(2)	INCLUDE ANY IDENTIFIERS THAT COULD BE USED TO IDENTIFY A	
3	PATIENT OR TH	HE PHYSICIAN WHO PERFORMED THE ABORTION.	
4	(E) (1)	A PHYSICIAN WHO PERFORMS AN ABORTION AND FAILS TO	
5	SUBMIT THE REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION IS		
6	GUILTY OF UNPROFESSIONAL CONDUCT AND SHALL BE SUBJECT TO DISCIPLINARY		
7	ACTION UNDER	R § 14–404 OF THE HEALTH OCCUPATIONS ARTICLE.	
8	(2)	A PHYSICIAN OR AN INDIVIDUAL ACTING ON BEHALF OF A	
9	HOSPITAL, A F	ACILITY, OR AN INSTITUTION WHO DOES NOT SUBMIT THE REPORT	
10	REQUIRED UN	IDER SUBSECTION (B) OF THIS SECTION IS SUBJECT TO AN	
11	ADMINISTRATI	VE FINE NOT EXCEEDING \$500 FOR EACH VIOLATION.	
12	(F) Th	E DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS	
13	SECTION.		
14		Article - Health Occupations	
15	14–404.		
16 17 18 19	panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license is		
20 21	(44 title; [or]) Fails to meet the qualifications for licensure under Subtitle 3 of this	
22	(45) Fails to comply with § 1–223 of this article; OR	
23 24	ARTICLE.	6) FAILS TO COMPLY WITH § 20–217 OF THE HEALTH – GENERAL	

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect