

HOUSE BILL 1151

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9lr2244

By: **Delegates Cox, Arikan, Boteler, Impallaria, Long, McComas, Otto, Parrott, and Reilly**

Introduced and read first time: February 8, 2019

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health – Abortion – 24–Hour Waiting Period**

3 FOR the purpose of prohibiting a physician from performing or inducing an abortion on a
4 woman before a certain period of time has elapsed since the woman requested that
5 the physician perform an abortion except under certain circumstances; prohibiting a
6 claim or diagnosis that a woman will engage in certain conduct from being the basis
7 of a certain certification; making conforming changes; and generally relating to a
8 24–hour waiting period before performing an abortion.

9 BY repealing and reenacting, with amendments,
10 Article – Health – General
11 Section 20–209
12 Annotated Code of Maryland
13 (2015 Replacement Volume and 2018 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Health – General**

17 20–209.

18 (a) In this section, “viable” means that stage when, in the best medical judgment
19 of the attending physician based on the particular facts of the case before the physician,
20 there is a reasonable likelihood of the fetus’s sustained survival outside the womb.

21 (b) Except as **PROVIDED IN SUBSECTION (C) OF THIS SECTION OR AS**
22 otherwise provided in this subtitle, the State may not interfere with the decision of a woman
23 to terminate a pregnancy:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) Before the fetus is viable; or

2 (2) At any time during the woman's pregnancy, if:

3 (i) The termination procedure is necessary to protect the life or
4 health of the woman; or

5 (ii) The fetus is affected by genetic defect or serious deformity or
6 abnormality.

7 **(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PHYSICIAN**
8 **MAY NOT PERFORM OR INDUCE AN ABORTION ON A WOMAN BEFORE 24 HOURS HAVE**
9 **ELAPSED SINCE THE WOMAN REQUESTED THAT THE PHYSICIAN PERFORM THE**
10 **ABORTION UNLESS TWO PHYSICIANS WITH PRIVILEGES AT A HOSPITAL IN THE**
11 **STATE CERTIFY IN WRITING AND SIGN UNDER PENALTY OF PERJURY THAT WITHIN**
12 **A REASONABLE DEGREE OF MEDICAL CERTAINTY THE WOMAN'S LIFE IS IN**
13 **IMMINENT DANGER.**

14 **(2) A CLAIM OR DIAGNOSIS THAT THE WOMAN WILL ENGAGE IN**
15 **CONDUCT THAT SHE INTENDS TO RESULT IN HER DEATH OR BODILY INJURY TO**
16 **HERSELF MAY NOT BE THE BASIS OF A CERTIFICATION UNDER PARAGRAPH (1) OF**
17 **THIS SUBSECTION.**

18 **[(c)] (D)** The Department may adopt regulations that:

19 (1) Are both necessary and the least intrusive method to protect the life or
20 health of the woman; and

21 (2) Are not inconsistent with **SUBSECTION (C) OF THIS SECTION AND**
22 **established medical practice.**

23 **[(d)] (E)** The physician is not liable for civil damages or subject to a criminal
24 penalty for a decision to perform an abortion under this section made in good faith and in
25 the physician's best medical judgment in accordance with accepted standards of medical
26 practice.

27 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
28 **October 1, 2019.**