

HOUSE BILL 734

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By: **Delegate Grammer**

Introduced and read first time: January 30, 2020

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Human Fetal Tissue – Prohibition**

3 FOR the purpose of prohibiting a person from knowingly engaging in certain conduct
4 relating to the solicitation, acquisition, receipt, and donation of certain human fetal
5 tissue for research purposes; establishing a certain penalty for a violation of this Act;
6 defining a certain term; and generally relating to human fetal tissue.

7 BY adding to

8 Article – Health – General

9 Section 20–2001 through 20–2003 to be under the new subtitle “Subtitle 20. Human
10 Fetal Tissue”

11 Annotated Code of Maryland

12 (2019 Replacement Volume)

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

15 **Article – Health – General**

16 **SUBTITLE 20. HUMAN FETAL TISSUE.**

17 **20–2001.**

18 **IN THIS SUBTITLE:**

19 **(1) “ELECTIVE ABORTION” MEANS THE INTENTIONAL USE OF AN**
20 **INSTRUMENT, A DRUG, OR ANY OTHER SUBSTANCE OR DEVICE TO TERMINATE A**
21 **WOMAN’S PREGNANCY FOR A PURPOSE OTHER THAN TO:**

22 **(I) INCREASE THE PROBABILITY OF A LIVE BIRTH;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (II) PRESERVE THE LIFE OR HEALTH OF THE CHILD AFTER LIVE
2 BIRTH; OR

3 (III) REMOVE A FETUS THAT HAS DIED AS A RESULT OF NATURAL
4 CAUSES, ACCIDENTAL TRAUMA, OR A CRIMINAL ASSAULT ON THE PREGNANT
5 WOMAN; AND

6 (2) "ELECTIVE ABORTION" DOES NOT INCLUDE:

7 (I) THE USE OF A DRUG OR DEVICE INTENDED AS A
8 CONTRACEPTIVE;

9 (II) THE INTENTIONAL USE OF AN INSTRUMENT, A DRUG, OR
10 ANY OTHER SUBSTANCE OR DEVICE BY A PHYSICIAN TO TERMINATE A WOMAN'S
11 PREGNANCY IF THE WOMAN'S CONDITION, IN THE PHYSICIAN'S REASONABLE
12 MEDICAL JUDGMENT, NECESSITATES THE TERMINATION OF THE WOMAN'S
13 PREGNANCY TO AVERT THE DEATH OF THE WOMAN; OR

14 (III) TREATMENT ON A PREGNANT WOMAN WHO IS
15 EXPERIENCING A MISCARRIAGE OR HAS BEEN DIAGNOSED WITH AN ECTOPIC
16 PREGNANCY.

17 20-2002.

18 A PERSON MAY NOT KNOWINGLY:

19 (1) SOLICIT, ACQUIRE, OR RECEIVE HUMAN FETAL TISSUE OBTAINED
20 AS THE RESULT OF AN ELECTIVE ABORTION FOR RESEARCH PURPOSES; OR

21 (2) OFFER OR PROVIDE ANY MONETARY REIMBURSEMENT OR OTHER
22 VALUABLE CONSIDERATION TO A PERSON TO:

23 (I) ACQUIRE OR RECEIVE HUMAN FETAL TISSUE OBTAINED AS
24 THE RESULT OF AN ELECTIVE ABORTION FOR RESEARCH PURPOSES; OR

25 (II) INCENTIVIZE THE DONATION OF HUMAN FETAL TISSUE
26 OBTAINED AS THE RESULT OF AN ELECTIVE ABORTION FOR RESEARCH PURPOSES.

27 20-2003.

28 A PERSON WHO VIOLATES THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND
29 ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT

1 NOT EXCEEDING 1 YEAR OR BOTH.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 October 1, 2020.