

# SENATE BILL 410

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By: **Senator Watson**

Introduced and read first time: February 1, 2023

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Childbirth – Paternity Test**

3 FOR the purpose of requiring, when a child is born at a health care facility, the attending  
4 physician to offer to the presumed father of the child the option to take a paternity  
5 test; and generally relating to paternity tests and childbirth.

6 BY adding to

7 Article – Health – General

8 Section 20–2301 through 20–2303 to be under the new subtitle “Subtitle 23.

9 Paternity Test at Childbirth”

10 Annotated Code of Maryland

11 (2019 Replacement Volume and 2022 Supplement)

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

14 **Article – Health – General**

15 **SUBTITLE 23. PATERNITY TEST AT CHILDBIRTH.**

16 **20–2301.**

17 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
18 INDICATED.

19 (B) “ATTENDING PHYSICIAN” MEANS THE LICENSED PHYSICIAN WHO HAS  
20 PRIMARY RESPONSIBILITY FOR THE MEDICAL CARE OF AN INDIVIDUAL.

21 (C) “HEALTH CARE FACILITY” MEANS A FACILITY OR AN OFFICE WHERE  
22 HEALTH OR MEDICAL CARE IS PROVIDED TO PATIENTS BY A HEALTH CARE

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 PROVIDER.

2 **20-2302.**

3 (A) WHEN A CHILD IS BORN AT A HEALTH CARE FACILITY, THE ATTENDING  
4 PHYSICIAN SHALL OFFER THE PRESUMED FATHER OF THE CHILD THE OPTION TO  
5 TAKE A PATERNITY TEST TO ESTABLISH PATERNITY OF THE CHILD.

6 (B) THE OFFER TO TAKE A PATERNITY TEST SHALL BE MADE ORALLY AND  
7 IN WRITING AND BEFORE A BIRTH CERTIFICATE FORM IS COMPLETED FOR THE  
8 CHILD.

9 (C) THE PRESUMED FATHER MAY WAIVE THE RIGHT TO TAKE A PATERNITY  
10 TEST OR ELECT TO TAKE A PATERNITY TEST AT ANY TIME BEFORE THE COMPLETION  
11 OF THE BIRTH CERTIFICATE FORM FOR THE CHILD.

12 **20-2303.**

13 THIS SUBTITLE DOES NOT APPLY IF THE ATTENDING PHYSICIAN IS UNABLE TO  
14 CONTACT THE PRESUMED FATHER OF THE CHILD.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2023.