

SENATE BILL 201

J1
SB 410/23 – FIN

(PRE-FILED)

4lr0730

By: **Senator Watson**

Requested: September 27, 2023

Introduced and read first time: January 10, 2024

Assigned to: Finance

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 20–2401 through 20–2403 to be under the new subtitle “Subtitle 24.
9 Paternity Test at Childbirth”

10 Annotated Code of Maryland
11 (2023 Replacement Volume)

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 24. PATERNITY TEST AT CHILDBIRTH.**

16 **20–2401.**

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 HEALTH OR MEDICAL CARE IS PROVIDED TO PATIENTS BY A HEALTH CARE
2 PROVIDER.

3 **20-2402.**

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

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

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

13 **20-2403.**

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2024.