

HB1051/333921/1

BY: Delegate Wivell

AMENDMENTS TO HOUSE BILL 1051
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “forms;” insert “requiring certain physicians who perform abortions or certain hospitals, facilities, and institutions in which an abortion is performed to report the abortion to the Department;”; in line 12, after “Care;” insert “authorizing the State Board of Physicians to take certain disciplinary actions against a licensee who violates the abortion reporting requirement;”; in line 21, after “19–3B–03.1;” insert “20–217 to be under the new part “Part V. Reporting Requirements;””; and after line 25, insert:

“BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 14–404(a)(45) and (46)

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)

BY adding to

Article – Health Occupations

Section 14–404(a)(47)

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)”.

AMENDMENT NO. 2

On page 5, after line 2, insert:

“20–215. RESERVED.

20–216. RESERVED.

PART V. REPORTING REQUIREMENTS.

20-217.

(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.

(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.

(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.

(C) (1) THE REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL:

(I) BE MADE ON A FORM DEVELOPED BY THE DEPARTMENT;

(II) BE COMPLETED BY THE PHYSICIAN PERFORMING THE ABORTION OR BY THE HOSPITAL, FACILITY, OR INSTITUTION IN WHICH THE ABORTION WAS PERFORMED;

(III) BE TRANSMITTED ANNUALLY TO THE VITAL STATISTICS

ADMINISTRATION IN THE DEPARTMENT WITHIN 15 DAYS AFTER EACH REPORTING YEAR; AND

(IV) INCLUDE THE FOLLOWING INFORMATION:

1. THE COUNTY AND STATE OF RESIDENCE OF THE PATIENT;

2. THE AGE, RACE, AND MARITAL STATUS OF THE PATIENT;

3. THE ESTIMATED GESTATIONAL AGE OF THE FETUS AT THE TIME OF THE ABORTION;

4. THE MONTH DURING WHICH THE ABORTION WAS PERFORMED; AND

5. THE METHOD OF ABORTION USED BY THE PHYSICIAN TO TERMINATE THE PREGNANCY.

(2) THE REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION MAY INCLUDE THE PRIMARY REASON PROVIDED BY THE PATIENT FOR THE ABORTION, INCLUDING:

(I) RAPE;

(II) INCEST;

(III) FINANCIAL HARDSHIP;

(Over)

- (IV) EDUCATIONAL CONCERNS;**
- (V) LACK OF RESOURCES;**
- (VI) PHYSICAL OR MENTAL INFIRMITY;**
- (VII) SERIOUS FETAL DEFORMITY;**
- (VIII) PRESSURE FROM OTHER INDIVIDUALS;**
- (IX) ILL-TIMED PREGNANCY; AND**
- (X) ABANDONMENT BY PARTNER OR FAMILY.**

(D) THE REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION MAY NOT:

- (1) INCLUDE THE NAME OR STREET ADDRESS OF THE PATIENT; OR**
- (2) INCLUDE ANY IDENTIFIERS THAT COULD BE USED TO IDENTIFY A PATIENT OR THE PHYSICIAN WHO PERFORMED THE ABORTION.**

(E) (1) A PHYSICIAN WHO PERFORMS AN ABORTION AND FAILS TO SUBMIT THE REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION IS GUILTY OF UNPROFESSIONAL CONDUCT AND SHALL BE SUBJECT TO DISCIPLINARY ACTION UNDER § 14-404 OF THE HEALTH OCCUPATIONS ARTICLE.

(2) A PHYSICIAN OR AN INDIVIDUAL ACTING ON BEHALF OF A HOSPITAL, A FACILITY, OR AN INSTITUTION WHO DOES NOT SUBMIT THE REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION IS SUBJECT TO AN ADMINISTRATIVE FINE NOT EXCEEDING \$500 FOR EACH VIOLATION.

(F) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.”.

On page 6, after line 20, insert:

“Article – Health Occupations

14–404.

(a) Subject to the hearing provisions of § 14–405 of this subtitle, a disciplinary 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 if the licensee:

(45) Fails to comply with § 1–223 of this article; [or]

(46) Fails to comply with the requirements of the Prescription Drug Monitoring Program under Title 21, Subtitle 2A of the Health – General Article; OR

(47) FAILS TO COMPLY WITH § 20–217 OF THE HEALTH – GENERAL ARTICLE.”.