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**By: Senators Haines, Colburn, and Stoltzfus**  
Introduced and read first time: February 2, 1996  
Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Women's Right to Know Act**

3 FOR the purpose of requiring, except in the case of a medical emergency, a physician to  
4 obtain informed and voluntary consent from the woman upon whom an abortion is  
5 to be performed or induced; requiring certain information to be given to the  
6 woman; requiring written certification from the woman; providing certain penalties  
7 for a physician who fails to obtain informed and voluntary consent; requiring the  
8 Department of Health and Mental Hygiene to publish and make available printed  
9 materials containing certain information; and generally relating to abortion and  
10 informed and voluntary consent.

11 BY adding to

12 Article - Health - General  
13 Section 20-211  
14 Annotated Code of Maryland  
15 (1990 Replacement Volume and 1995 Supplement)

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

18 **Article - Health - General**

19 20-211.

20 (A) EXCEPT IN THE CASE OF A MEDICAL EMERGENCY, NO ABORTION SHALL  
21 BE PERFORMED OR INDUCED EXCEPT WITH THE VOLUNTARY AND INFORMED  
22 CONSENT OF THE WOMAN UPON WHOM THE ABORTION IS TO BE PERFORMED OR  
23 INDUCED.

24 (B) CONSENT IS INFORMED AND VOLUNTARY IF AT LEAST 24 HOURS PRIOR  
25 TO THE ABORTION:

26 (1) THE PHYSICIAN WHO IS TO PERFORM THE ABORTION HAS ORALLY  
27 INFORMED THE WOMAN OF:

28 (I) THE NATURE OF THE PROPOSED PROCEDURE OR TREATMENT  
29 AND OF THE RISKS AND ALTERNATIVE PROCEDURES OR TREATMENTS THAT A

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1 REASONABLE PATIENT WOULD CONSIDER MATERIAL TO THE DECISION OF  
2 WHETHER OR NOT TO UNDERGO THE ABORTION;

3 (II) THE PROBABLE GESTATIONAL AGE OF THE UNBORN CHILD AT  
4 THE TIME THE ABORTION IS TO BE PERFORMED; AND

5 (III) THE MEDICAL RISKS ASSOCIATED WITH CARRYING THE CHILD  
6 TO TERM;

7 (2) THE PHYSICIAN WHO IS TO PERFORM THE ABORTION OR THE  
8 REFERRING PHYSICIAN, OR A QUALIFIED PHYSICIAN ASSISTANT, HEALTH CARE  
9 PRACTITIONER, TECHNICIAN, OR SOCIAL WORKER TO WHOM THE RESPONSIBILITY  
10 HAS BEEN DELEGATED BY EITHER PHYSICIAN, HAS INFORMED THE PREGNANT  
11 WOMAN THAT:

12 (I) THE DEPARTMENT PUBLISHES PRINTED MATERIALS WHICH  
13 DESCRIBE THE UNBORN CHILD AND LISTS AGENCIES WHICH OFFER ALTERNATIVES  
14 TO ABORTION AND THAT THE WOMAN HAS A RIGHT TO REVIEW THE PRINTED  
15 MATERIALS AND THAT A COPY WILL BE PROVIDED TO HER FREE OF CHARGE IF SHE  
16 CHOOSES TO REVIEW IT;

17 (II) MEDICAL ASSISTANCE BENEFITS MAY BE AVAILABLE FOR  
18 PRENATAL CARE, CHILDBIRTH, AND NEONATAL CARE AND THAT MORE DETAILED  
19 INFORMATION ON THE AVAILABILITY OF SUCH ASSISTANCE IS CONTAINED IN THE  
20 PRINTED MATERIALS PUBLISHED BY THE DEPARTMENT; AND

21 (III) THE FATHER OF THE UNBORN CHILD IS LIABLE TO ASSIST IN  
22 THE SUPPORT OF THE CHILD, EVEN IN INSTANCES WHERE THE FATHER HAS  
23 OFFERED TO PAY FOR THE ABORTION, EXCEPT THAT IN THE CASE OF RAPE, THIS  
24 INFORMATION MAY BE OMITTED;

25 (3) A COPY OF THE PRINTED MATERIALS HAS BEEN PROVIDED TO THE  
26 WOMAN IF SHE CHOOSES TO VIEW THESE MATERIALS; AND

27 (4) THE WOMAN UPON WHOM THE ABORTION IS TO BE PERFORMED OR  
28 INDUCED CERTIFIES IN WRITING THAT THE INFORMATION REQUIRED UNDER THIS  
29 SECTION HAS BEEN ORALLY PRESENTED TO HER.

30 (C) (1) ANY PHYSICIAN WHO PERFORMS OR INDUCES AN ABORTION  
31 WITHOUT FIRST OBTAINING THE INFORMED AND VOLUNTARY CONSENT PURSUANT  
32 TO THIS SECTION, OR WITH KNOWLEDGE OR REASON TO KNOW THAT THE  
33 INFORMED AND VOLUNTARY CONSENT OF THE WOMAN HAS NOT BEEN OBTAINED  
34 SHALL BE:

35 (I) SUBJECT TO DISCIPLINARY ACTION PURSUANT TO TITLE 14,  
36 SUBTITLE 4 OF THE HEALTH OCCUPATIONS ARTICLE; AND

37 (II) GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT  
38 TO A FINE OF NOT MORE THAN \$500.

39 (2) NO PHYSICIAN SHALL BE GUILTY OF VIOLATING THIS SECTION FOR  
40 FAILURE TO OBTAIN INFORMED AND VOLUNTARY CONSENT IF THE PHYSICIAN CAN  
41 DEMONSTRATE, BY A PREPONDERANCE OF THE EVIDENCE, THAT THE PHYSICIAN

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1 REASONABLY BELIEVED THAT FURNISHING THE INFORMATION WOULD HAVE  
2 RESULTED IN A SEVERELY ADVERSE EFFECT ON THE PHYSICAL OR MENTAL  
3 HEALTH OF THE PATIENT.

4 (D) THE DEPARTMENT SHALL PUBLISH AND MAKE AVAILABLE UPON  
5 REQUEST, PRINTED MATERIALS CONTAINING THE INFORMATION WHICH DESCRIBE  
6 THE UNBORN CHILD AND LISTS AGENCIES WHICH OFFER AN ALTERNATIVE TO  
7 ABORTION.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 1996.