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By: **Senators Harris and Mooney**  
Introduced and read first time: February 4, 2000  
Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Abortion after Viability - Prohibition - Penalties**

3 FOR the purpose of prohibiting the performance of post viability abortions unless  
4 necessary to save the life of the mother; establishing penalties for performing  
5 post viability abortions; and generally relating to prohibiting the performance of  
6 post viability abortions.

7 BY repealing and reenacting, with amendments,  
8 Article - Health - General  
9 Section 20-209  
10 Annotated Code of Maryland  
11 (1996 Replacement Volume and 1999 Supplement)

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

14 **Article - Health - General**

15 20-209.

16 (a) In this section, "viable" means that stage when, in the best medical  
17 judgment of the attending physician based on the particular facts of the case before  
18 the physician, there is a reasonable likelihood of the fetus's sustained survival outside  
19 the womb.

20 (b) Except as otherwise provided in this subtitle, the State may not interfere  
21 with the decision of a woman to terminate a pregnancy:

22 (1) Before the fetus is viable; or

23 (2) At any time during the woman's pregnancy, if:

24 (i) The termination procedure is necessary to protect the life or  
25 health of the woman; or

1 (ii) The fetus is affected by genetic defect or serious deformity or  
2 abnormality.

3 (C) EXCEPT AS PROVIDED IN SUBSECTION (B)(2)(I) OF THIS SECTION, A  
4 PERSON MAY NOT PERFORM OR INDUCE AN ABORTION UPON ANOTHER PERSON  
5 WHEN THE UNBORN FETUS IS VIABLE.

6 [(c)] (D) The Department may adopt regulations that:

7 (1) Are both necessary and the least intrusive method to protect the life  
8 or health of the woman; and

9 (2) Are not inconsistent with established medical practice.

10 [(d)] (E) The physician is not liable for civil damages or subject to a criminal  
11 penalty for a decision to perform an abortion under this section made in good faith  
12 and in the physician's best medical judgment in accordance with accepted standards  
13 of medical practice.

14 (F) ANY PERSON WHO VIOLATES SUBSECTION (C) IS GUILTY OF A FELONY AND  
15 ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100,000 OR IMPRISONMENT  
16 NOT LESS THAN 2 YEARS BUT NOT EXCEEDING 40 YEARS OR BOTH.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2000.