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By: **Delegates Kagan, R. Baker, Barkley, Branch, Bronrott, Carlson, Cryor,  
Franchot, Frush, Gladden, Griffith, Hecht, A. Jones, V. Jones, Moe,  
Oaks, Phillips, Stern, Turner, and Zirkin**

Introduced and read first time: February 9, 2001

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Emergency Treatment for Survivors of Rape**

3 FOR the purpose of requiring a hospital or other health care facility that provides  
4 emergency care to a rape survivor to provide the rape survivor with certain oral  
5 and written information about emergency contraception; requiring a hospital or  
6 other health care facility that provides emergency care to a rape survivor to  
7 inform a rape survivor of her option to receive emergency contraception;  
8 requiring a hospital or other health care facility that provides emergency care to  
9 a rape survivor to provide the rape survivor with medically appropriate  
10 emergency contraception if requested or to refer the rape survivor to certain  
11 other health care providers that will prescribe or provide access to medically  
12 appropriate emergency contraception; defining certain terms; and generally  
13 relating to the availability of emergency contraception for the emergency care of  
14 a rape survivor.

15 BY repealing and reenacting, with amendments,  
16 Article - Health - General  
17 Section 20-214  
18 Annotated Code of Maryland  
19 (2000 Replacement Volume)

20 BY adding to  
21 Article - Health - General  
22 Section 20-701 to be under the new subtitle "Subtitle 7. Emergency Treatment  
23 for Survivors of Rape"  
24 Annotated Code of Maryland  
25 (2000 Replacement Volume)

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

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**Article - Health - General**

2 20-214.

3 (a) (1) [A] EXCEPT AS PROVIDED UNDER § 20-701 OF THIS TITLE, A person  
4 may not be required to perform or participate in, or refer to any source for, any  
5 medical procedure that results in artificial insemination, sterilization, or termination  
6 of pregnancy.

7 (2) The refusal of a person to perform or participate in, or refer to a  
8 source for, these medical procedures may not be a basis for:

9 (i) Civil liability to another person; or

10 (ii) Disciplinary or other recriminatory action against the person.

11 (b) (1) [A] EXCEPT AS PROVIDED UNDER § 20-701 OF THIS TITLE, A licensed  
12 hospital, hospital director, or hospital governing board may not be required:

13 (i) To permit, within the hospital, the performance of any medical  
14 procedure that results in artificial insemination, sterilization, or termination of  
15 pregnancy; or

16 (ii) To refer to any source for these medical procedures.

17 (2) The refusal to permit or to refer to a source for these procedures may  
18 not be grounds for:

19 (i) Civil liability to another person; or

20 (ii) Disciplinary or other recriminatory action against the person by  
21 this State or any person.

22 (c) (1) The refusal of an individual to submit to or give consent for an  
23 abortion or sterilization may not be grounds for loss of any privileges or immunities to  
24 which the individual otherwise would be entitled.

25 (2) Submitting to or granting consent for an abortion or sterilization may  
26 not be a condition precedent to the receipt of any public benefits.

27 (d) Notwithstanding any other provision of this section, a health care provider,  
28 a licensed hospital, a hospital director, or a hospital governing board is not immune  
29 from civil damages, if available at law, or from disciplinary or other recriminatory  
30 action, if the failure to refer a patient to a source for any medical procedure that  
31 results in sterilization or termination of pregnancy would reasonably be determined  
32 as:

33 (1) The cause of death or serious physical injury or serious long-lasting  
34 injury to the patient; and

35 (2) Otherwise contrary to the standards of medical care.

## SUBTITLE 7. EMERGENCY TREATMENT FOR SURVIVORS OF RAPE.

20-701.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "EMERGENCY CARE TO A RAPE SURVIVOR" MEANS MEDICAL EXAMINATIONS, PROCEDURES, AND SERVICES PROVIDED BY A HOSPITAL OR OTHER HEALTH CARE FACILITY LICENSED UNDER THIS ARTICLE TO A RAPE SURVIVOR.

(3) "EMERGENCY CONTRACEPTION" MEANS ANY DRUG OR DEVICE APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION THAT PREVENTS PREGNANCY AFTER SEXUAL INTERCOURSE.

(4) "INCEST" MEANS A SEXUAL OFFENSE DESCRIBED IN ARTICLE 27, § 335 OF THE CODE.

(5) "RAPE" MEANS A SEXUAL OFFENSE DESCRIBED IN ARTICLE 27, §§ 462A AND 463 OF THE CODE.

(6) "RAPE SURVIVOR" MEANS A FEMALE WHO ALLEGES OR IS ALLEGED TO HAVE BEEN RAPED OR IS THE VICTIM OF ALLEGED INCEST AND BECAUSE OF THE ALLEGED OFFENSE SEEKS TREATMENT AS A PATIENT.

(B) IF A HOSPITAL OR OTHER HEALTH CARE FACILITY LICENSED UNDER THIS ARTICLE PROVIDES EMERGENCY CARE TO A RAPE SURVIVOR, THE HOSPITAL OR OTHER HEALTH CARE FACILITY SHALL:

(1) PROVIDE EACH RAPE SURVIVOR WITH MEDICALLY AND FACTUALLY ACCURATE, CLEAR AND CONCISE, AND UNBIASED WRITTEN AND ORAL INFORMATION ABOUT EMERGENCY CONTRACEPTION;

(2) INFORM EACH RAPE SURVIVOR OF HER OPTION TO RECEIVE EMERGENCY CONTRACEPTION; AND

(3) (I) IF REQUESTED, IMMEDIATELY PROVIDE THE RAPE SURVIVOR WITH CONTRACEPTION THAT IS MEDICALLY APPROPRIATE; OR

(II) REFER THE RAPE SURVIVOR TO A PHYSICIAN OR OTHER HEALTH CARE PROVIDER THAT WILL PRESCRIBE OR PROVIDE ACCESS TO EMERGENCY CONTRACEPTION THAT IS MEDICALLY APPROPRIATE FOR THE RAPE SURVIVOR.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2001.