

**Department of Legislative Services**  
Maryland General Assembly  
2001 Session

**FISCAL NOTE**

Senate Bill 645      (Senator Jacobs, *et al.*)  
Judicial Proceedings

**Abortion - Informed Consent**

This bill states that consent to an abortion is voluntary and informed if at least 24 hours prior to the abortion the physician who is to perform an abortion or the referring physician has informed the woman of: (1) the nature of the proposed procedure; (2) the risks associated with the procedure; (3) alternatives to the procedure; (4) the probable gestational age of the fetus; and (5) the medical risks associated with a full-term pregnancy.

**Fiscal Summary**

**State Effect:** General fund expenditures could increase by an estimated \$11,000 in FY 2002. Future years reflect inflation. Revenues would not be affected.

(in dollars)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	11,000	10,700	10,800	11,000	11,100
Net Effect	(\$11,000)	(\$10,700)	(\$10,800)	(\$11,000)	(\$11,100)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** None.

**Small Business Effect:** Minimal.

**Analysis**

**Bill Summary:** The bill also requires the woman be informed at least 24 hours prior to the abortion that: (1) the Department of Health and Mental Hygiene (DHMH) publishes

printed materials that: (i) describe the unborn child; (ii) list agencies that offer alternatives to abortion; (iii) provide detailed information about medical assistance that may be available for prenatal care, childbirth, and neonatal care; (2) the father of an unborn child is responsible for child support unless the pregnancy resulted from a rape; (3) the woman has a right to view the printed materials; and (4) a free copy of the printed materials will be provided to her if she chooses to view the materials. Prior to performing the abortion, the physician or a designated staff member must certify in writing that prior to having an abortion the pregnant woman was: (1) offered a free copy of the printed materials; and (2) was given an opportunity to review the materials.

A physician who violates the bill's provisions is subject to disciplinary action. A physician may not be found in violation for failure to provide the required information if the physician can demonstrate that the physician reasonably believed that furnishing the information would have resulted in a severely adverse effect on the physical or mental health of the patient.

**Current Law:** None applicable.

**Background:** Chapter 1 of 1991 repealed requirements related to the giving of information before the performance of an abortion.

**State Expenditures:** DHMH does not currently publish the printed informational materials referred to in the bill. Consequently, general fund expenditures could increase by \$10,985 in fiscal 2002. The estimate reflects postage for mailing information regarding the bill's requirements to 1,500 providers and costs associated with publishing printed informational materials. Future years reflect 1% annual inflation.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene (Community Public Health Administration), Department of Legislative Services

**Fiscal Note History:** First Reader –March 12, 2001  
jm/jr

---

Analysis by: Sandra Steele

Direct Inquiries to:  
John Rixey, Coordinating Analyst  
(410) 946-5510  
(301) 970-5510