

SENATE BILL 581

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2002 Regular Session
2lr2125
CF 2lr2197

By: **Senators Haines, Colburn, Ferguson, Dyson, DeGrange, Hafer, Harris,
Hooper, Jacobs, Jimeno, Mooney, Munson, Schrader, Stoltzfus, and
Stone**

Introduced and read first time: February 1, 2002
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Women's Health Protection Act**

3 FOR the purpose of defining the circumstances under which consent to an abortion is
4 considered voluntary and informed; requiring a physician performing an
5 abortion or a referring physician to provide a woman seeking an abortion with
6 certain information within a certain time frame; requiring the physician
7 performing an abortion, a referring physician, or their representative, to provide
8 a woman seeking an abortion with certain printed materials within a certain
9 time frame that include certain information; requiring a certain written
10 certification from the physician performing the abortion or the physician's
11 representative; providing that a physician who violates the provisions of this Act
12 is subject to disciplinary action by the State Board of Physician Quality
13 Assurance; and generally relating to the requirements for informed consent by a
14 woman seeking an abortion.

15 BY adding to
16 Article - Health - General
17 Section 20-211 through 20-213
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2001 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Health Occupations
22 Section 14-404(a)(39) and (40)
23 Annotated Code of Maryland
24 (2000 Replacement Volume and 2001 Supplement)

25 BY adding to
26 Article - Health Occupations
27 Section 14-404(a)(41)
28 Annotated Code of Maryland

1 (2000 Replacement Volume and 2001 Supplement)

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

4 **Article - Health - General**

5 20-211.

6 CONSENT TO AN ABORTION IS VOLUNTARY AND INFORMED IF AT LEAST 18
7 HOURS PRIOR TO THE ABORTION, THE PHYSICIAN WHO IS TO PERFORM THE
8 ABORTION OR THE REFERRING PHYSICIAN HAS INFORMED THE WOMAN OF:

- 9 (1) THE NATURE OF THE PROPOSED PROCEDURE;
- 10 (2) THE RISKS ASSOCIATED WITH THE PROCEDURE;
- 11 (3) ALTERNATIVES TO THE PROCEDURE THAT A REASONABLE WOMAN
12 WOULD CONSIDER MATERIAL TO MAKING THE DECISION TO HAVE AN ABORTION;
- 13 (4) THE PROBABLE GESTATIONAL AGE OF THE FETUS ON THE DATE THE
14 ABORTION IS TO BE PERFORMED; AND
- 15 (5) THE MEDICAL RISKS ASSOCIATED WITH A FULL-TERM PREGNANCY.

16 20-212.

17 (A) AT LEAST 18 HOURS PRIOR TO AN ABORTION, THE PHYSICIAN WHO IS TO
18 PERFORM THE ABORTION OR THE REFERRING PHYSICIAN, OR A QUALIFIED
19 PHYSICIAN ASSISTANT, HEALTH CARE PRACTITIONER, TECHNICIAN, OR SOCIAL
20 WORKER TO WHOM THE RESPONSIBILITY HAS BEEN DELEGATED BY EITHER
21 PHYSICIAN, SHALL INFORM THE PREGNANT WOMAN THAT:

- 22 (1) THE DEPARTMENT PUBLISHES PRINTED MATERIALS THAT:
- 23 (I) DESCRIBE THE UNBORN CHILD;
- 24 (II) LIST AGENCIES THAT OFFER ALTERNATIVES TO ABORTION;
25 AND
- 26 (III) PROVIDE DETAILED INFORMATION ABOUT MEDICAL
27 ASSISTANCE THAT MAY BE AVAILABLE FOR PRENATAL CARE, CHILDBIRTH, AND
28 NEONATAL CARE;
- 29 (2) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE
30 FATHER OF AN UNBORN CHILD IS RESPONSIBLE FOR CHILD SUPPORT;
- 31 (3) SHE HAS A RIGHT TO REVIEW THE PRINTED MATERIALS;
- 32 (4) THESE MATERIALS ARE AVAILABLE ON A STATE-SPONSORED
33 WEBSITE, AND CAN BE ACCESSED AT A SPECIFIED WEBSITE ADDRESS; AND

1 (5) A FREE COPY OF THE PRINTED MATERIALS WILL BE PROVIDED TO
2 HER IF SHE CHOOSES TO VIEW THE MATERIALS.

3 (B) IF THE PREGNANT WOMAN SEEKING AN ABORTION IS THE VICTIM OF A
4 RAPE, THE INFORMATION REQUIRED UNDER SUBSECTION (A)(2) OF THIS SECTION
5 MAY BE OMITTED.

6 (C) THE PHYSICIAN PERFORMING THE ABORTION OR A DESIGNATED STAFF
7 MEMBER SHALL CERTIFY IN WRITING THAT PRIOR TO HAVING AN ABORTION A
8 PREGNANT WOMAN:

9 (1) WAS OFFERED A FREE COPY OF THE PRINTED MATERIALS
10 DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION;

11 (2) WAS GIVEN THE WEBSITE ADDRESS OF A STATE-SPONSORED
12 WEBSITE CONTAINING THE MATERIALS DESCRIBED UNDER SUBSECTION (A) OF THIS
13 SECTION; AND

14 (3) WAS GIVEN AT LEAST 18 HOURS TO REVIEW THE MATERIALS.

15 21-213.

16 (A) A PHYSICIAN WHO VIOLATES A PROVISION OF § 21-211 OR § 21-212 OF THIS
17 SUBTITLE IS SUBJECT TO DISCIPLINARY ACTION UNDER THE PROVISIONS OF § 14-404
18 OF THE HEALTH OCCUPATIONS ARTICLE.

19 (B) A PHYSICIAN MAY NOT BE FOUND IN VIOLATION OF § 21-211 OR § 21-212 OF
20 THIS SUBTITLE FOR FAILURE TO PROVIDE THE REQUIRED INFORMATION IF THE
21 PHYSICIAN CERTIFIES IN THE PATIENT'S MEDICAL RECORDS THAT THE ABORTION
22 WAS NECESSARY TO PREVENT THE DEATH OF THE PATIENT.

23 **Article - Health Occupations**

24 14-404.

25 (a) Subject to the hearing provisions of § 14-405 of this subtitle, the Board, on
26 the affirmative vote of a majority of its full authorized membership, may reprimand
27 any licensee, place any licensee on probation, or suspend or revoke a license if the
28 licensee:

29 (39) Intentionally misrepresents credentials for the purpose of testifying
30 or rendering an expert opinion in hearings or proceedings before the Board or those
31 otherwise delegated to the Office of Administrative Hearings; [or]

32 (40) Fails to keep adequate medical records as determined by appropriate
33 peer review; OR

34 (41) INTENTIONALLY FAILS TO COMPLY WITH THE PROVISIONS OF
35 §§ 20-211 AND 20-212 OF THE HEALTH - GENERAL ARTICLE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2002.