

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 646 (Senator Harris, *et al.*)
Education, Health, and Environmental Affairs

Abortifacient Conscience Act

This bill provides that a person may not be required to perform, or participate in, or refer to any source for, any medical procedure that results in the destruction of a fertilized ovum.

Fiscal Summary

State Effect: None. The bill would not directly affect governmental finances or operations.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A person may not be required to perform or participate in, or refer to any source for, any medical procedure that results in artificial insemination, sterilization, or termination of a pregnancy. The refusal of a person to do any of these procedures may not be a basis for civil liability to another person or disciplinary or other recriminatory action against the person.

Currently, there is no law in Maryland specifically authorizing, banning, or otherwise regulating embryonic and fetal research. In the absence of State law, privately funded embryonic and fetal research can be conducted in Maryland without regulation.

Background:

Emergency Contraception

Emergency contraception prevents pregnancy by stopping ovaries from releasing eggs, an egg from being fertilized by sperm, or a fertilized egg from attaching to the wall of the uterus, according to the National Women's Health Information Center. The two types of emergency contraception available in the United States are emergency contraception pills and intrauterine devices. Emergency contraception pills are taken in two doses, 12 hours apart and are most effective if taken within 72 hours of unprotected sex. An intrauterine device must be placed within a woman's uterus within seven days after unprotected sex to be effective.

Stem Cell Research

Embryonic research, including stem cell research, involves the destruction of a fertilized ovum. There are two categories of stem cells: adult stem cells (e.g., those derived from specific human tissues such as skin cells) and embryonic stem cells. Embryonic stem cells currently hold the most promise for research but also are more controversial because of their source: fetal tissue; surplus embryos from in vitro fertility procedures; and embryos created by techniques utilized in human cloning technology – somatic cell nuclear transfer.

In August 2001 President Bush limited federal funding for stem cell research to existing stem cell lines. Such stem cells are derived from unused embryos from in vitro fertilization donated for research purposes. A Stem Cell Registry, maintained by the National Institutes of Health lists the 78 stem cell lines that are eligible for federal funding. In addition, President Bush maintained the ban on federal funds for research involving the destruction or creation of embryos. However, such research can continue with the use of private funds, within the bounds of state law. The President's Council on Bioethics continues to study and advise the President on the issue of stem cell research.

Twenty-eight states have various laws that govern embryonic and fetal research, with certain exceptions. The statutes related to research on embryos and fetuses vary greatly from state to state, and many of these laws were passed decades ago. However, such laws have the potential to impact reproductive and therapeutic cloning. The most frequent state restriction is on the sale of embryos, fetuses, or fetal tissue, with 23 states prohibiting such commercialization in some or all cases. Twenty-two states, including Maryland, have no specific laws relating to embryonic and fetal research; embryonic and fetal stem cell research is therefore legal in those states.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, National Women's Health Information Center, Department of Legislative Services

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