

**HB1358/833123/1**

BY: Senator Brinkley

AMENDMENTS TO HOUSE BILL 1358  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Artificial Tanning Devices -”; in the same line, after “Minors” insert “- Parental Consent”; in line 3, after the first “of” insert “providing that a physician may not perform an abortion on certain minors unless the physician gives notice to certain individuals in a certain manner;”; in line 6, after the semicolon insert “authorizing certain owners, employees, and operators of tanning facilities to allow a certain minor to use a tanning device if the owner, employee, or operator make a certain judgment under certain circumstances;”; and after line 11, insert:

“BY repealing and reenacting, with amendments,

Article – Health – General

Section 20–103

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 22, insert:

“20–103.

(a) Except as provided in subsections (b) and (c) of this section, a physician may not perform an abortion on an unmarried minor unless the physician first gives notice to a parent or guardian of the minor **ON THE PREMISES OF THE PHYSICIAN’S OFFICE AND IN THE PRESENCE OF THE MINOR SEEKING THE ABORTION.**

(Over)

(b) The physician may perform the abortion without notice to a parent or guardian if:

(1) The minor does not live with a parent or guardian; and

(2) A reasonable effort to give notice to a parent or guardian is unsuccessful.

(c) (1) The physician may perform the abortion, without notice to a parent or guardian of a minor if, in the professional judgment of the physician:

(i) Notice to the parent or guardian may lead to physical or emotional abuse of the minor;

(ii) The minor is mature and capable of giving informed consent to an abortion; or

(iii) Notification would not be in the best interest of the minor.

(2) The physician is not liable for civil damages or subject to a criminal penalty for a decision under this subsection not to give notice.

(d) [The postal receipt that shows an article of mail was sent by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the last known address of a parent or guardian and that is attached to a copy of the notice letter that was sent in that article of mail shall be conclusive evidence of notice or a reasonable effort to give notice, as the case may be.

(e)] A physician may not provide notice to a parent or guardian if the minor decides not to have the abortion.”;

and in line 31, strike “**AN**” and substitute “**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN**”.

**AMENDMENT NO. 3**

On page 3, after line 7, insert:

**“(C) THE OWNER, EMPLOYEE, OR OPERATOR OF A TANNING FACILITY MAY ALLOW A MINOR TO USE A TANNING DEVICE IF, IN THE JUDGMENT OF THE OWNER, EMPLOYEE, OR OPERATOR OF THE TANNING FACILITY, THE MINOR IS MATURE AND CAPABLE OF GIVING INFORMED CONSENT TO THE USE OF A TANNING DEVICE.”;**

and in lines 8 and 12, strike “(C)” and “(D)”, respectively, and substitute “**(D)**” and “**(E)**”, respectively.