

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

Senate Bill 23
Finance

(Senators Simonaire and Greenip)

Teenage Protection Pilot Program

This bill requires facilities in Anne Arundel County that provide abortion services and are equipped with ultrasonography equipment to offer all patients under age 20 the option to view an image of the fetus and an image printout before performing an abortion. The patient must sign a “teenage informational form” indicating whether or not she has chosen to view the image of the fetus and has chosen to receive an image printout of the fetus. The “teenage informational form” must be maintained in the patient’s medical record until she is at least 20 years old. A person who fails to maintain a signed copy of the form is guilty of a misdemeanor and on conviction subject to a fine of up to \$1,000.

The bill takes effect July 1, 2008 and terminates June 30, 2011.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill’s penalty provision from cases heard in the District Court. No effect on expenditures.

Local Effect: None.

Small Business Effect: Minimal increase in expenditures for facilities that do not meet requirements of the bill and are subsequently fined.

Analysis

Current Law: 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. The physician may

perform the abortion without notice to a parent or guardian if the minor does not live with the parent or guardian and a reasonable effort to give notice to the parent or guardian is unsuccessful. A certified mail postal receipt showing the parent or guardian's last known address attached to a copy of the notice letter is conclusive evidence of notice or a reasonable effort to give notice.

The physician may perform the abortion, without notifying the parent or guardian, if in the physician's professional judgment • notice may lead to physical or emotional abuse of the minor; • the minor is mature and capable of giving informed consent to an abortion; or • notification would not be in the minor's best interest. The physician is not liable for civil damages or subject to a criminal penalty for a decision not to give notice.

A physician may not provide notice to the parent or guardian if the minor decides not to have an abortion.

Background: Alabama law requires a patient to sign a form indicating that she either saw an ultrasound image of her fetus, or that she was offered the opportunity and rejected it, before having an abortion. Arkansas law requires physicians to certify in writing that a patient was offered the opportunity to view an ultrasound image of her fetus *and* must obtain the patient's acceptance or rejection to view the image in writing prior to performing an abortion.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel County, Department of Health and Mental Hygiene, Office of the Attorney General, Department of Legislative Services

Fiscal Note History: First Reader - March 2, 2008
mcp/hlb

Analysis by: Sarah K. Harvey

Direct Inquiries to:
(410) 946-5510
(301) 970-5510