

HOUSE BILL 187

J1, J3

1lr1544

By: **Delegates Kach and Olszewski**

Introduced and read first time: January 27, 2011

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Abortion – Department of Health and Mental Hygiene – Regulations**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to adopt
4 certain regulations relating to abortions on or before a certain date.

5 BY repealing and reenacting, with amendments,
6 Article – Health – General
7 Section 20–209
8 Annotated Code of Maryland
9 (2009 Replacement Volume and 2010 Supplement)

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

12 **Article – Health – General**

13 20–209.

14 (a) In this section, “viable” means that stage when, in the best medical
15 judgment of the attending physician based on the particular facts of the case before
16 the physician, there is a reasonable likelihood of the fetus’s sustained survival outside
17 the womb.

18 (b) Except as otherwise provided in this subtitle, the State may not interfere
19 with the decision of a woman to terminate a pregnancy:

20 (1) Before the fetus is viable; or

21 (2) At any time during the woman’s pregnancy, if:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) The termination procedure is necessary to protect the life or
2 health of the woman; or

3 (ii) The fetus is affected by genetic defect or serious deformity or
4 abnormality.

5 (c) [The] **ON OR BEFORE JANUARY 1, 2012, THE** Department [may]
6 **SHALL** adopt regulations that:

7 (1) Are both necessary and the least intrusive method to protect the
8 life or health of the woman; and

9 (2) Are not inconsistent with established medical practice.

10 (d) The physician is not liable for civil damages or subject to a criminal
11 penalty for a decision to perform an abortion under this section made in good faith and
12 in the physician's best medical judgment in accordance with accepted standards of
13 medical practice.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 July 1, 2011.