

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 20 (Delegate Smigiel)
Health and Government Operations

Health - Abortion - Transport of Patient

This bill specifies that a patient may be transported during an abortion procedure if the physician performing the abortion determines that transporting the patient is necessary to protect the life or health of the patient. The bill further requires that the patient be transported by ambulance.

Fiscal Summary

State Effect: The bill does not affect governmental finances.

Local Effect: The bill does not affect local governmental finances.

Small Business Effect: None.

Analysis

Current Law: The State may not interfere with a woman's decision to end a pregnancy before the fetus is viable or at any time during a woman's pregnancy if the procedure is necessary to protect the life or health of the woman or the fetus is affected by a genetic defect or serious deformity or abnormality. A viable fetus is one that has a reasonable likelihood of surviving outside of the womb.

If an abortion is provided, it must be performed by a licensed physician. A physician is not liable for civil damages or subject to a criminal penalty for a decision to perform an abortion made in good faith and in the physician's best medical judgment following accepted standards of medical practice.

Maryland law does not specifically address whether or how a patient may be transported during an abortion procedure.

Background: In 2008, 1.2 million American women obtained abortions, producing a rate of 19.6 abortions per 1,000 women of reproductive age. (This represents a 1% increase since 2005, when the abortion rate was 19.4 abortions per 1,000 women.) In Maryland in 2008, 34,290 women obtained abortions at a rate of 29 abortions per 1,000 women of reproductive age. (This represents an 8% decrease in abortions performed in Maryland since 2000, when the rate was 31.5 abortions per 1,000 women.) However, 87% of U.S. counties had no abortion provider in 2008 and one-third of American women lived in these counties. Therefore, it is likely that some women who received abortions in Maryland were from other states, while some Maryland residents received abortions in other states. For this reason, the Maryland rate may not accurately reflect the abortion rate of State residents.

In December 2010, the Maryland Board of Physicians permanently revoked the license of a physician who worked for an abortion clinic which authorities said started abortion procedures in Voorhees, New Jersey before transporting patients to Elkton, Maryland, where the procedures were completed. In summer 2010, one of these procedures resulted in a teenaged patient's need for emergency surgery at Johns Hopkins. The patient was reportedly transported to a local emergency room in a rented car before being flown by helicopter to Johns Hopkins.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Guttmacher Institute; Anne Arundel, Baltimore, Garrett, and Montgomery counties; Maryland Institute for Emergency Medical Services Systems; Department of Health and Mental Hygiene; Department of Legislative Services

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