

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 18 (Delegate Smigiel)
Health and Government Operations

Health - Abortions - Reporting Requirements

This bill requires any physician who performs an abortion in the State to report the abortion, as well as information on any complications or injury to the patient that occurred during the procedure, to the Department of Health and Mental Hygiene within 30 days of the end of the month in which the procedure was performed. The bill prohibits the report from including any information identifying either the patient or the physician who performed the abortion.

Fiscal Summary

State Effect: The bill's requirements can be handled with existing resources.

Local Effect: None.

Small Business Effect: Minimal.

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.

Background: Forty-six states (all but Maryland, California, New Hampshire, and New Jersey) require physicians providing abortions to submit regular and confidential reports to the state. Of these, 27 states require providers to report complications resulting from the abortion procedure.

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.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Guttmacher Institute, Department of Health and Mental Hygiene, Department of Legislative Services

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