

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 626
Finance

(Senator Simonaire)

Health - Medical Procedures - Ultrasound Options (Full Medical Disclosure Act)

This bill requires that, if an ultrasound is performed before or as part of an abortion procedure, the performing physician must (before the performance or inducement of the abortion procedure and at no additional charge to the patient) provide the patient with an opportunity to view the active ultrasound image of the embryo or fetus.

Fiscal Summary

State Effect: The bill does not directly affect governmental operations or finances.

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 if the fetus is affected by a genetic defect or serious deformity or abnormality. This is consistent with the U.S. Supreme Court's holding in *Roe v. Wade*, 410 U.S. 113 (1973). A viable fetus is one that has a reasonable likelihood of surviving outside of the womb. The Department of Health and Mental Hygiene may adopt regulations consistent with established medical practice if they are necessary and the least intrusive method to protect the life and health of the woman.

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 using accepted standards of medical practice.

Background: According to the Guttmacher Institute, as of March 2016, 13 states require verbal counseling or written materials to include information on accessing ultrasound services, and 25 regulate the provision of ultrasound by abortion providers. Nine states (Arkansas, Georgia, Idaho, Michigan, Nebraska, Ohio, South Carolina, Utah, and West Virginia) require that an opportunity to view an ultrasound image be offered if an ultrasound is performed in preparation for the abortion procedure.

In 2011, 1.1 million American women obtained abortions, producing a rate of 16.9 abortions per 1,000 women of reproductive age. (This represents a decrease since 2008, when the abortion rate was 19.4 abortions per 1,000 women.) In Maryland in 2011, 34,260 women obtained abortions at a rate of 28.6 abortions per 1,000 women of reproductive age. (The rate remains unchanged since 2008, when the rate was 28.7 abortions per 1,000 women.) However, 89% of U.S. counties had no abortion clinic in 2011, and 38% 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 2011, there were 34 abortion providers in Maryland. (The number remained the same since 2008.)

Small Business Effect: Potential minimal increase in expenditures for any abortion providers that must provide additional pictures of ultrasound images.

Additional Information

Prior Introductions: SB 158 of 2015, SB 85 of 2014, SB 726 of 2013, and SB 583 of 2012 each received a hearing in the Senate Finance Committee, but no further action was taken on any of the bills. In addition, similar bills were introduced in the 2011 and 2010 sessions.

Cross File: None.

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

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mel/ljm

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