

# SENATE BILL 449

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By: **Senators Waugh, Bates, Cassilly, Eckardt, Edwards, Hershey, Hough,  
Jennings, Norman, Ready, Salling, Serafini, and Simonaire**

Introduced and read first time: January 25, 2018

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Abortions – Viability**

3 FOR the purpose of altering the defined term “viable” to mean the stage, beginning at a  
4 certain number of weeks’ gestation, when, based on a certain medical judgment of a  
5 certain physician, there is a reasonable likelihood of the fetus’s sustained survival  
6 outside the womb; and generally relating to the viability of a fetus and abortion.

7 BY repealing and reenacting, with amendments,

8 Article – Health – General

9 Section 20–209

10 Annotated Code of Maryland

11 (2015 Replacement Volume and 2017 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

13 That the Laws of Maryland read as follows:

14 **Article – Health – General**

15 20–209.

16 (a) In this section, “viable” means that stage, **BEGINNING AT 24 WEEKS’**  
17 **GESTATION**, when, in the best medical judgment of the attending physician based on the  
18 particular facts of the case before the physician, there is a reasonable likelihood of the  
19 fetus’s sustained survival outside the womb.

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

22 (1) Before the fetus is viable; or

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   (2)    At any time during the woman's pregnancy, if:

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

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

6           (c)    The Department may adopt regulations that:

7                           (1)    Are both necessary and the least intrusive method to protect the life or  
8 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 penalty  
11 for a decision to perform an abortion under this section made in good faith and in the  
12 physician's best medical judgment in accordance with accepted standards of medical  
13 practice.

14           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2018.