

SENATE BILL 420

J1, J2

9lr2189
CF 9lr0739

By: **Senators Carozza, Bailey, Cassilly, Eckardt, Edwards, Gallion, Hershey, Hough, Jennings, Ready, Reilly, Salling, Serafini, Simonaire, and West**
Introduced and read first time: February 1, 2019
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Health – Abortions – Reporting Requirements**

3 FOR the purpose of requiring certain physicians who perform abortions or certain
4 hospitals, facilities, and institutions in which an abortion is performed to report the
5 abortion to the Maryland Department of Health; requiring that the report be made
6 on a certain form, be completed by a certain physician, hospital, facility, or
7 institution, be transmitted annually to the Vital Statistics Administration within a
8 certain period of time, and include certain information; providing that the report
9 may include certain information but may not include certain identifying information;
10 establishing certain penalties; requiring the Department to adopt certain
11 regulations; authorizing the State Board of Physicians to take certain disciplinary
12 actions against a licensee who violates certain provisions of this Act; defining a
13 certain term; and generally relating to the reporting of information about abortions.

14 BY adding to

15 Article – Health – General
16 Section 20–217 to be under the new part “Part V. Reporting Requirements”
17 Annotated Code of Maryland
18 (2015 Replacement Volume and 2018 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Health Occupations
21 Section 14–404(a)(44) and (45)
22 Annotated Code of Maryland
23 (2014 Replacement Volume and 2018 Supplement)
24 (As enacted by Chapter 470 of the Acts of the General Assembly of 2018)

25 BY adding to

26 Article – Health Occupations
27 Section 14–404(a)(46)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2014 Replacement Volume and 2018 Supplement)
3 (As enacted by Chapter 470 of the Acts of the General Assembly of 2018)

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

6 **Article – Health – General**

7 **20–215. RESERVED.**

8 **20–216. RESERVED.**

9 **PART V. REPORTING REQUIREMENTS.**

10 **20–217.**

11 (A) (1) IN THIS SECTION, “ABORTION” MEANS THE USE OR PRESCRIPTION
12 OF ANY INSTRUMENT, MEDICINE, DRUG OR ANY OTHER SUBSTANCE OR DEVICE TO
13 INTENTIONALLY KILL THE FETUS OF A WOMAN KNOWN TO BE PREGNANT OR TO
14 INTENTIONALLY TERMINATE THE PREGNANCY OF A WOMAN KNOWN TO BE
15 PREGNANT.

16 (2) “ABORTION” DOES NOT INCLUDE ACTIONS PERFORMED AFTER
17 VIABILITY TO PRODUCE LIVE BIRTH AND PRESERVE THE LIFE AND HEALTH OF THE
18 FETUS BORN ALIVE, OR TO REMOVE A DEAD UNBORN FETUS.

19 (B) A PHYSICIAN PERFORMING AN ABORTION OR A HOSPITAL, A FACILITY,
20 OR AN INSTITUTION IN WHICH AN ABORTION IS PERFORMED SHALL REPORT THE
21 ABORTION TO THE DEPARTMENT.

22 (C) (1) THE REPORT REQUIRED UNDER SUBSECTION (B) OF THIS
23 SECTION SHALL:

24 (I) BE MADE ON A FORM DEVELOPED BY THE DEPARTMENT;

25 (II) BE COMPLETED BY THE PHYSICIAN PERFORMING THE
26 ABORTION OR BY THE HOSPITAL, FACILITY, OR INSTITUTION IN WHICH THE
27 ABORTION WAS PERFORMED;

28 (III) BE TRANSMITTED ANNUALLY TO THE VITAL STATISTICS
29 ADMINISTRATION IN THE DEPARTMENT WITHIN 15 DAYS AFTER EACH REPORTING
30 YEAR; AND

1 (IV) INCLUDE THE FOLLOWING INFORMATION:

2 1. THE COUNTY AND STATE OF RESIDENCE OF THE
3 PATIENT;

4 2. THE AGE, RACE, AND MARITAL STATUS OF THE
5 PATIENT;

6 3. THE ESTIMATED GESTATIONAL AGE OF THE FETUS AT
7 THE TIME OF THE ABORTION;

8 4. THE MONTH DURING WHICH THE ABORTION WAS
9 PERFORMED; AND

10 5. THE METHOD OF ABORTION USED BY THE PHYSICIAN
11 TO TERMINATE THE PREGNANCY.

12 (2) THE REPORT REQUIRED UNDER SUBSECTION (B) OF THIS
13 SECTION MAY INCLUDE THE PRIMARY REASON PROVIDED BY THE PATIENT FOR THE
14 ABORTION, INCLUDING:

15 (I) RAPE;

16 (II) INCEST;

17 (III) FINANCIAL HARDSHIP;

18 (IV) EDUCATIONAL CONCERNS;

19 (V) LACK OF RESOURCES;

20 (VI) PHYSICAL OR MENTAL INFIRMITY;

21 (VII) SERIOUS FETAL DEFORMITY;

22 (VIII) PRESSURE FROM OTHER INDIVIDUALS;

23 (IX) ILL-TIMED PREGNANCY; AND

24 (X) ABANDONMENT BY PARTNER OR FAMILY.

25 (D) THE REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION MAY
26 NOT:

