

HOUSE BILL 1179

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By: **Delegate Cox**

Introduced and read first time: February 7, 2020

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Unborn Human Beings and Infants**
3 **(Humane Disposition of Human Remains Act)**

4 FOR the purpose of requiring a certain health care facility or abortion clinic to disclose,
5 provide, and inform a parent of certain information within a certain period of time
6 except under certain circumstances; requiring a parent to authorize the final
7 disposition of bodily remains in a certain manner after receiving a certain
8 notification and information and before a certain time; authorizing a parent to
9 authorize a certain final disposition to be overseen by certain individuals; requiring
10 a certain abortion clinic or health care facility to provide certain information to a
11 certain minor's parent or legal guardian and authorizing the parent or legal guardian
12 to make a certain determination and authorization under certain circumstances;
13 providing that a certain parent shall or may be responsible for the costs of a certain
14 final disposition under certain circumstances; requiring a certain individual to
15 ensure that certain bodily remains are humanely disposed by taking certain actions
16 and that certain disclosures or written authorizations are provided on a certain form;
17 prohibiting certain bodily remains from being disposed of in a certain manner;
18 requiring a health care facility or abortion clinic to document a certain decision and
19 maintain certain records for a certain amount of time; authorizing a certain final
20 disposition to occur in a certain manner; authorizing a certain local health officer to
21 issue a certain permit under certain circumstances; requiring a certain
22 burial–transit permit to transfer or relocate certain bodily remains; providing that a
23 person is not required to designate a certain name on a certain form; providing that
24 certain information shall be treated in a certain manner; providing that a certain
25 permit is a certain authorization; providing that a certain person may take certain
26 actions only in accordance with certain provisions of this Act; prohibiting a person
27 from taking certain actions under certain circumstances; establishing penalties for
28 certain violations of this Act; providing that certain persons may use a certain final
29 disposition as a basis for recovery in a civil action; authorizing a certain health
30 occupations board to use a certain violation as a basis for disciplinary action;
31 requiring a certain health occupations board to take certain actions under certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 circumstances; establishing a certain short title; defining certain terms; providing
2 for the application of certain provisions of this Act; providing for the construction of
3 this Act; making the provisions of this Act severable; providing for a delayed effective
4 date; and generally relating to unborn human beings and infants.

5 BY repealing and reenacting, without amendments,
6 Article – Economic Development
7 Section 10–440
8 Annotated Code of Maryland
9 (2018 Replacement Volume and 2019 Supplement)

10 BY repealing and reenacting, without amendments,
11 Article – Health – General
12 Section 4–215 and 20–103
13 Annotated Code of Maryland
14 (2019 Replacement Volume)

15 BY adding to
16 Article – Health – General
17 Section 20–2001 through 20–2007 to be under the new subtitle “Subtitle 20. Humane
18 Disposition of Human Remains Act”
19 Annotated Code of Maryland
20 (2019 Replacement Volume)

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

23 **Article – Economic Development**

24 10–440.

25 (a) A person may not conduct or attempt to conduct human cloning.

26 (b) A person who violates this section is guilty of a felony and on conviction is
27 subject to imprisonment not exceeding 10 years or a fine not exceeding \$200,000 or both.

28 **Article – Health – General**

29 4–215.

30 (a) In this section, “cemetery” includes a crematory or other place for final
31 disposition.

32 (b) (1) Within 72 hours after death or after delivery in a fetal death and before
33 final disposition or removal of the body or fetus from this State, the mortician who first
34 takes custody of the body or fetus shall obtain a burial–transit permit.

1 (2) If the death or fetal death certificate is on a multicopy form, one copy of
2 which is designated specifically as a “burial–transit permit” and is signed by the attending
3 physician or medical examiner, that copy shall provide for the later entry of final disposition
4 information and serves as a burial–transit permit.

5 (c) (1) A person in charge of a cemetery may not permit the final disposition
6 of a body or fetus unless it is accompanied by a burial–transit permit.

7 (2) The person in charge of a cemetery shall:

8 (i) Write on the permit the date of final disposition;

9 (ii) Sign the permit; and

10 (iii) Within 10 days after final disposition, return the permit to the
11 Secretary.

12 (3) If there is no person in charge of the cemetery, the mortician shall fill
13 out the burial–transit permit.

14 (d) A burial–transit permit issued by any state or a foreign country is sufficient
15 authority for transit through this State or final disposition in any cemetery in this State.

16 (e) (1) A permit for disinterment and reinterment is required before the
17 disinterment of human remains if reinterment is not to be made in the same cemetery. The
18 Secretary or a health officer shall issue the permit after receipt of an application on the
19 form that the Secretary requires.

20 (2) If all human remains in a cemetery are to be disinterred for purposes
21 of relocation or abandonment of the cemetery, one application is sufficient for that purpose.

22 (3) The Department shall keep a record of each permit issued for the
23 disinterment and reinterment of human remains.

24 (4) Except as provided in paragraph (5) of this subsection, the Department
25 may not disclose or allow public inspection of information in a permit record about the
26 location of the site of a disinterment or reinterment if a local burial sites advisory board or
27 the Director of the Maryland Historical Trust determines that:

28 (i) The site is historic property, as defined in § 5A–301 of the State
29 Finance and Procurement Article; and

30 (ii) Disclosure would create a substantial risk of harm, theft, or
31 destruction to the site.

32 (5) The Department may not deny inspection of a permit record to:

- 1 (i) The owner of the site of the disinterment or reinterment;
- 2 (ii) A governmental entity that has the power of eminent domain; or
- 3 (iii) The spouse, domestic partner, next of kin, or appointed personal
4 representative of the deceased whose human remains have been disinterred or reinterred.
- 5 20–103.

6 (a) Except as provided in subsections (b) and (c) of this section, a physician may
7 not perform an abortion on an unmarried minor unless the physician first gives notice to a
8 parent or guardian of the minor.

9 (b) The physician may perform the abortion without notice to a parent or
10 guardian if:

11 (1) The minor does not live with a parent or guardian; and

12 (2) A reasonable effort to give notice to a parent or guardian is
13 unsuccessful.

14 (c) (1) The physician may perform the abortion, without notice to a parent or
15 guardian of a minor if, in the professional judgment of the physician:

16 (i) Notice to the parent or guardian may lead to physical or
17 emotional abuse of the minor;

18 (ii) The minor is mature and capable of giving informed consent to
19 an abortion; or

20 (iii) Notification would not be in the best interest of the minor.

21 (2) The physician is not liable for civil damages or subject to a criminal
22 penalty for a decision under this subsection not to give notice.

23 (d) The postal receipt that shows an article of mail was sent by certified mail,
24 return receipt requested, bearing a postmark from the United States Postal Service, to the
25 last known address of a parent or guardian and that is attached to a copy of the notice letter
26 that was sent in that article of mail shall be conclusive evidence of notice or a reasonable
27 effort to give notice, as the case may be.

28 (e) A physician may not provide notice to a parent or guardian if the minor decides
29 not to have the abortion.

30 **SUBTITLE 20. HUMANE DISPOSITION OF HUMAN REMAINS ACT.**

31 **20–2001.**

1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) "ABORTED" MEANS THE TERMINATION OF A HUMAN PREGNANCY WITH
4 AN INTENTION OTHER THAN TO PRODUCE A LIVE BIRTH OR TO REMOVE A DEAD
5 UNBORN HUMAN BEING, INCLUDING THROUGH AN ABORTION BY SURGICAL
6 PROCEDURE OR INDUCED BY DRUGS.

7 (C) (1) "ABORTION" MEANS THE ACT OF USING OR PRESCRIBING ANY
8 INSTRUMENT, MEDICINE, DRUG, OR ANY OTHER SUBSTANCE, DEVICE, OR MEANS
9 WITH THE INTENT TO TERMINATE THE CLINICALLY DIAGNOSABLE PREGNANCY OF A
10 WOMAN KNOWING THAT IT IS REASONABLY LIKELY THAT TAKING THE ACTION WILL
11 CAUSE THE DEATH OF THE UNBORN HUMAN BEING.

12 (2) "ABORTION" DOES NOT INCLUDE ACTS PERFORMED WITH THE
13 INTENT TO:

14 (I) SAVE THE LIFE OR PRESERVE THE HEALTH OF THE UNBORN
15 HUMAN BEING;

16 (II) REMOVE A DECEASED UNBORN HUMAN BEING CAUSED BY
17 SPONTANEOUS ABORTION; OR

18 (III) REMOVE AN ECTOPIC PREGNANCY.

19 (D) "ABORTION CLINIC" MEANS A HEALTH CARE FACILITY THAT:

20 (1) PERFORMS SURGICAL ABORTION PROCEDURES; OR

21 (2) PROVIDES AN ABORTION INDUCING DRUG FOR THE PURPOSE OF
22 INDUCING AN ABORTION.

23 (E) "AUTHORIZING AGENT" MEANS AN INDIVIDUAL WHO HAS LEGAL
24 AUTHORITY TO ARRANGE FOR AND MAKE DECISIONS REGARDING THE FINAL
25 DISPOSITION OF A DECEASED HUMAN BODY, INCLUDING BY CREMATION.

26 (F) "BODILY REMAINS" MEANS THE PHYSICAL REMAINS, CORPSE, BODY, OR
27 BODY PARTS OF A DECEASED UNBORN HUMAN BEING, AS INDICATED BY THE FACT
28 THAT THE UNBORN HUMAN BEING DOES NOT BREATHE OR SHOW ANY OTHER
29 EVIDENCE OF LIFE SUCH AS BEATING OF THE HEART, PULSATION OF THE UMBILICAL
30 CORD, OR DEFINITE MOVEMENT OF VOLUNTARY MUSCLES, WHO HAS BEEN
31 EXPELLED OR EXTRACTED FROM HIS OR HER MOTHER, REGARDLESS OF THE MEANS

1 OF EXPULSION OR EXTRACTION.

2 (G) "BODY" INCLUDES THE BODY OF A DECEASED UNBORN HUMAN BEING.

3 (H) "BORN ALIVE" OR "LIVE BIRTH" MEANS AFTER THE COMPLETE
4 EXPULSION OR EXTRACTION OF A HUMAN BEING, REGARDLESS OF GESTATIONAL
5 DEVELOPMENT OF THE HUMAN BEING, FROM THE MOTHER, THE HUMAN BEING
6 SHOWS EVIDENCE OF LIFE INCLUDING BREATHING, A HEARTBEAT, UMBILICAL CORD
7 PULSATION, AND DEFINITE MOVEMENT OF VOLUNTARY MUSCLES:

8 (1) WHETHER OR NOT THE UMBILICAL CORD WAS CUT OR THE
9 PLACENTA WAS ATTACHED AT THE TIME OF EXPULSION OR EXTRACTION; AND

10 (2) WHETHER THE EXPULSION OR EXTRACTION OCCURRED AS A
11 RESULT OF NATURAL OR INDUCED LABOR, CESAREAN SECTION, OR INDUCED
12 ABORTION.

13 (I) "CREMATION" MEANS THE DISPOSITION OF A DECEASED HUMAN BODY
14 BY MEANS OF INCINERATION.

15 (J) "DEATH OF AN UNBORN HUMAN BEING" MEANS DEATH OF AN UNBORN
16 HUMAN BEING BEFORE EXPULSION OR EXTRACTION FROM THE MOTHER AS
17 INDICATED BY THE FACT THAT, AFTER EXPULSION OR EXTRACTION, THE UNBORN
18 HUMAN BEING DOES NOT BREATHE OR SHOW ANY OTHER SIGNS OF LIFE SUCH AS A
19 BEATING HEART, PULSATION OF THE UMBILICAL CORD, OR DEFINITE MOVEMENT OF
20 VOLUNTARY MUSCLES.

21 (K) (1) "EXPERIMENT" OR "EXPERIMENTATION" MEANS USING A HUMAN
22 BEING OR BODILY REMAINS OF A DECEASED UNBORN HUMAN BEING IN ANY TRIAL,
23 TEST, PROCEDURE, OR OBSERVATION CARRIED OUT WITH THE GOAL OF VERIFYING,
24 REFUTING, OR ESTABLISHING THE VALIDITY OF A HYPOTHESIS.

25 (2) "EXPERIMENT" OR "EXPERIMENTATION" DOES NOT INCLUDE:

26 (I) THE EXAMINATION OF BODY TISSUE FOR DIAGNOSTIC OR
27 FORENSIC PURPOSES AND ANY RELATED ACTIVITIES NECESSARY TO PERFORM A
28 DIAGNOSTIC OR FORENSIC STUDY, INCLUDING ANY STUDY OR TEST, GENETIC OR
29 OTHERWISE, TO DETERMINE PATERNITY OR THE CAUSE OF DEATH; OR

30 (II) ANY TREATMENT, MEDICATION, DIAGNOSTIC OR REMEDIAL
31 TESTS, PROCEDURES, OR OBSERVATIONS THAT HAVE THE PURPOSE OF
32 DETERMINING THE HEALTH OF THE HUMAN BEING OR UNBORN HUMAN BEING OR
33 PRESERVING THE LIFE OR HEALTH OF THE HUMAN BEING, THE UNBORN HUMAN

1 BEING, OR THE HUMAN BEING'S MOTHER.

2 (L) "FINAL DISPOSITION" MEANS THE BURIAL, INTERMENT, CREMATION,
3 OR OTHER LEGAL DISPOSITION OF A DECEASED UNBORN HUMAN BEING.

4 (M) "INFANT" MEANS A HUMAN CHILD WHO HAS BEEN COMPLETELY
5 EXPELLED OR EXTRACTED FROM THE MOTHER, REGARDLESS OF THE STATE OF THE
6 CHILD'S DEVELOPMENT, DURING THE PERIOD FROM BIRTH UNTIL 30 DAYS AFTER
7 BIRTH.

8 (N) (1) "INFECTIOUS OR MEDICAL WASTE" MEANS DISCARDED WASTE OR
9 OTHER BIOLOGIC PRODUCTS, INCLUDING:

10 (I) BLOOD, TISSUE, OR BODY PARTS REMOVED FROM MEDICAL
11 FACILITIES;

12 (II) BEDDING, BANDAGES, SYRINGES, AND SIMILAR MATERIALS
13 THAT HAVE BEEN USED IN TREATING PATIENTS; AND

14 (III) MATERIALS THAT EPIDEMIOLOGIC EVIDENCE INDICATES IS
15 CAPABLE OF TRANSMITTING A DANGEROUS COMMUNICABLE DISEASE.

16 (2) "INFECTIOUS OR MEDICAL WASTE" DOES NOT INCLUDE AN
17 ABORTED OR MISCARRIED UNBORN HUMAN BEING.

18 (O) "INTERMENT" MEANS ALL FINAL DISPOSITION OF BODILY REMAINS,
19 INCLUDING:

20 (1) EARTH BURIAL;

21 (2) MAUSOLEUM ENTOMBMENT; AND

22 (3) NICHE OR COLUMBARIUM INTERMENT.

23 (P) "PARENT" MEANS A BIOLOGICAL PARENT OF HUMAN OFFSPRING,
24 SPECIFICALLY ONE OF THE INDIVIDUALS WHOSE GAMETES RESULTED IN A CHILD.

25 (Q) "PHYSICIAN" MEANS ANY INDIVIDUAL LICENSED TO PRACTICE
26 MEDICINE IN THIS STATE, INCLUDING MEDICAL DOCTORS AND DOCTORS OF
27 OSTEOPATHY.

28 (R) "PREGNANT" OR "PREGNANCY" MEANS THE FEMALE REPRODUCTIVE
29 CONDITION OF HAVING AN UNBORN HUMAN BEING IN THE WOMAN'S UTERUS.

1 (S) "UNBORN HUMAN BEING" MEANS THE OFFSPRING OF HUMAN BEINGS
2 FROM CONCEPTION UNTIL BIRTH.

3 20-2002.

4 (A) THIS SECTION APPLIES TO THE DEATH OF AN UNBORN HUMAN BEING,
5 REGARDLESS OF THE GESTATIONAL AGE OR CAUSE OF DEATH OF THE UNBORN
6 HUMAN BEING, AT A HEALTH CARE FACILITY OR AN ABORTION CLINIC.

7 (B) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A HEALTH
8 CARE FACILITY OR AN ABORTION CLINIC AT WHICH THE DEATH OF AN UNBORN
9 HUMAN BEING OCCURS, BEFORE OR WITHIN A REASONABLE TIME AFTER THE
10 BODILY REMAINS OF A DECEASED UNBORN HUMAN BEING ARE EXPELLED OR
11 EXTRACTED FROM THE MOTHER SHALL:

12 (1) DISCLOSE, BOTH ORALLY AND IN WRITING, TO A PARENT OF THE
13 UNBORN HUMAN BEING THE PARENT'S RIGHT TO DETERMINE THE FINAL
14 DISPOSITION OF THE BODILY REMAINS;

15 (2) PROVIDE THE PARENT WITH WRITTEN INFORMATION ON A FORM
16 PRESCRIBED BY THE DEPARTMENT CONCERNING THE AVAILABLE OPTIONS FOR
17 FINAL DISPOSITION OF THE BODILY REMAINS; AND

18 (3) INFORM THE PARENT OF COUNSELING THAT MAY BE AVAILABLE
19 CONCERNING THE DEATH OF THE UNBORN HUMAN BEING.

20 (C) (1) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A
21 PARENT OF THE DECEASED UNBORN HUMAN BEING SHALL AUTHORIZE THE FINAL
22 DISPOSITION OF THE BODILY REMAINS, INCLUDING THE METHOD OF FINAL
23 DISPOSITION, IN WRITING AND ON A FORM PRESCRIBED BY THE DEPARTMENT:

24 (I) AFTER RECEIVING THE NOTIFICATION AND INFORMATION
25 UNDER SUBSECTION (A) OF THIS SECTION; AND

26 (II) BEFORE EITHER OF THE FOLLOWING ARE DISCHARGED
27 FROM THE HEALTH CARE FACILITY OR THE ABORTION CLINIC:

28 1. THE BODILY REMAINS OF THE DECEASED UNBORN
29 HUMAN BEING; AND

30 2. THE MOTHER OF THE DECEASED UNBORN HUMAN
31 BEING.

1 **(2) IN AUTHORIZING THE FINAL DISPOSITION OF THE BODILY**
2 **REMAINS UNDER PARAGRAPH (1) OF THIS SUBSECTION, A PARENT MAY AUTHORIZE**
3 **THE FINAL DISPOSITION TO BE OVERSEEN BY:**

4 **(I) A FUNERAL DIRECTOR; OR**

5 **(II) THE INDIVIDUAL IN CHARGE OF THE HEALTH CARE**
6 **FACILITY OR ABORTION CLINIC WHERE THE REMAINS OF THE DECEASED UNBORN**
7 **HUMAN BEING WERE EXPELLED OR EXTRACTED.**

8 **(D) IF THE MOTHER OF A DECEASED UNBORN HUMAN BEING WHO DIED AT A**
9 **HEALTH CARE FACILITY OR AN ABORTION CLINIC IS A MINOR AND THE MINOR HAS**
10 **NOT RECEIVED A WAIVER OF PARENTAL CONSENT UNDER § 20-103 OF THIS**
11 **ARTICLE:**

12 **(1) THE ABORTION CLINIC OR THE HEALTH CARE FACILITY SHALL**
13 **PROVIDE THE INFORMATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION**
14 **TO THE MINOR'S PARENT OR LEGAL GUARDIAN; AND**

15 **(2) THE MINOR'S PARENT OR LEGAL GUARDIAN SHALL DETERMINE**
16 **AND AUTHORIZE THE FINAL DISPOSITION OF THE BODILY REMAINS OF THE UNBORN**
17 **HUMAN BEING UNDER SUBSECTION (B) OF THIS SECTION.**

18 **(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
19 **THE PARENT OF THE UNBORN HUMAN BEING SHALL BE RESPONSIBLE FOR THE**
20 **COSTS RELATED TO THE FINAL DISPOSITION OF THE BODILY REMAINS IN THE**
21 **MANNER AND LOCATION CHOSEN UNDER THIS SECTION.**

22 **(2) THE PARENT OF THE UNBORN HUMAN BEING MAY BE**
23 **RESPONSIBLE FOR THE COSTS RELATED TO THE FINAL DISPOSITION OF THE BODILY**
24 **REMAINS IF:**

25 **(I) THE MANNER OR LOCATION OF THE FINAL DISPOSITION OF**
26 **THE BODILY REMAINS IS REQUIRED BY LAW; OR**

27 **(II) THE PARENT CHOOSES THE LOCATION OF FINAL**
28 **DISPOSITION THAT IS USUAL AND CUSTOMARY FOR THE HEALTH CARE FACILITY OR**
29 **ABORTION CLINIC.**

30 **(F) THE INDIVIDUAL IN CHARGE OF THE HEALTH CARE FACILITY OR**
31 **ABORTION CLINIC IN WHICH THE DEATH OF THE UNBORN HUMAN BEING OCCURRED**
32 **SHALL ENSURE THAT:**

1 **(1) WITHIN 10 BUSINESS DAYS AFTER THE BODILY REMAINS OF A**
2 **DECEASED UNBORN HUMAN BEING WERE EXPELLED OR EXTRACTED FROM THE**
3 **MOTHER, THE BODILY REMAINS ARE HUMANELY DISPOSED BY:**

4 **(I) ENSURING THAT THE FINAL DISPOSITION OF THE UNBORN**
5 **HUMAN BEING OCCURS IN ACCORDANCE WITH THIS SUBTITLE AS AUTHORIZED BY A**
6 **PARENT OR LEGAL GUARDIAN UNDER SUBSECTION (C) OR (D) OF THIS SECTION, AS**
7 **APPLICABLE; OR**

8 **(II) ENSURING THAT THE UNBORN HUMAN BEING IS**
9 **PRESERVED UNTIL THE TIME AT WHICH A PARENT OR THE PARENT'S AUTHORIZED**
10 **AGENT AUTHORIZES FINAL DISPOSITION; AND**

11 **(2) ANY DISCLOSURE OR WRITTEN AUTHORIZATION REQUIRED**
12 **UNDER THIS SUBTITLE FOR FINAL DISPOSITION OF BODILY REMAINS UNDER**
13 **SUBSECTION (C) OR (D) OF THIS SECTION IS MADE ON A FORM PRESCRIBED BY THE**
14 **DEPARTMENT.**

15 **(G) THE BODILY REMAINS OF AN UNBORN HUMAN BEING MAY NOT BE**
16 **DISPOSED OF AS OR IN COMBINATION WITH INFECTIOUS OR MEDICAL WASTE.**

17 **(H) THE HEALTH CARE FACILITY OR ABORTION CLINIC SHALL DOCUMENT**
18 **THE DECISION ON THE FINAL DISPOSITION OF THE DECEASED UNBORN HUMAN**
19 **BEING IN THE MOTHER'S MEDICAL RECORD AND MAINTAIN THE RECORD AND ANY**
20 **OTHER DOCUMENTS PROVIDED BY OR GIVEN TO A PARENT OF THE DECEASED**
21 **UNBORN HUMAN BEING IN ACCORDANCE WITH THIS SECTION FOR AT LEAST 7 YEARS**
22 **AFTER THE FINAL DISPOSAL OCCURRED.**

23 **20-2003.**

24 **(A) THIS SECTION APPLIES TO THE DEATH OF AN UNBORN HUMAN BEING,**
25 **REGARDLESS OF THE GESTATIONAL AGE OR CAUSE OF DEATH OF THE UNBORN**
26 **HUMAN BEING, IN WHICH THE BODILY REMAINS OF THE UNBORN HUMAN BEING**
27 **WERE EXPELLED OR EXTRACTED FROM THE MOTHER AT A HEALTH CARE FACILITY**
28 **OR AN ABORTION CLINIC.**

29 **(B) (1) THE FINAL DISPOSITION OF THE BODILY REMAINS OF THE**
30 **DECEASED UNBORN HUMAN BEING MAY OCCUR BY:**

31 **(I) INTERMENT;**

32 **(II) CREMATION, IF THE MEDICAL EXAMINER OF THE COUNTY**

1 IN WHICH THE DEATH OF THE UNBORN HUMAN BEING OCCURRED SIGNED THE
2 AUTHORIZATION FOR FINAL DISPOSITION; OR

3 (III) DONATION, IF:

4 1. THE DONATION COMPLIES WITH THE MARYLAND
5 REVISED UNIFORM ANATOMICAL GIFT ACT;

6 2. THE BODILY REMAINS ARE THE RESULT OF A
7 MISCARRIAGE OR STILL BIRTH THAT WAS NOT MEDICALLY INDUCED; AND

8 3. THE PARENT OF THE UNBORN HUMAN BEING OR THE
9 AUTHORIZING AGENT OF THE PARENT AUTHORIZED THE DONATION.

10 (2) IF THE FINAL DISPOSITION UNDER PARAGRAPH (1) OF THIS
11 SUBSECTION IS BY INTERMENT, THE LOCAL HEALTH OFFICER IN THE COUNTY IN
12 WHICH THE DEATH OF THE UNBORN HUMAN BEING OCCURRED MAY ISSUE A PERMIT
13 FOR THE DISPOSITION OF THE BODILY REMAINS OF THE UNBORN HUMAN BEING TO
14 THE APPROPRIATE PERSON IN CHARGE OF INTERMENT.

15 (C) THE INDIVIDUAL IN CHARGE OF THE HEALTH CARE FACILITY OR
16 ABORTION CLINIC IN WHICH THE DEATH OF THE UNBORN HUMAN BEING OCCURRED
17 SHALL RELEASE TO THE PARENT OR THE AUTHORIZING AGENT OF THE PARENT THE
18 BODILY REMAINS FOR FINAL DISPOSITION IF THE REQUIREMENTS OF THIS
19 SUBTITLE ARE MET.

20 (D) (1) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
21 SUBSECTION, A BURIAL-TRANSIT PERMIT UNDER § 4-215 OF THIS ARTICLE IS
22 REQUIRED TO TRANSFER OR RELOCATE THE BODILY REMAINS OF AN UNBORN
23 HUMAN BEING FOR FINAL DISPOSITION UNDER THIS SUBTITLE.

24 (II) A PERSON IS NOT REQUIRED TO DESIGNATE A NAME FOR AN
25 UNBORN HUMAN BEING ON THE BURIAL TRANSIT-PERMIT UNDER THIS PARAGRAPH
26 AND THE SPACE FOR A NAME ON THE PERMIT MAY REMAIN BLANK.

27 (III) ANY INFORMATION SUBMITTED UNDER THIS PARAGRAPH
28 THAT MAY IDENTIFY THE PARENT OF AN UNBORN HUMAN BEING FOR WHOM THE
29 BURIAL-TRANSIT PERMIT WAS ISSUED SHALL BE TREATED AS CONFIDENTIAL AND
30 BE REDACTED FROM ANY PUBLIC RECORDS.

31 (2) A PERMIT FOR FINAL DISPOSITION ISSUED UNDER THE LAWS OF
32 ANOTHER STATE THAT ACCOMPANIES BODILY REMAINS BROUGHT INTO THE STATE
33 IS AUTHORIZATION FOR FINAL DISPOSITION OF THE BODILY REMAINS IN THE STATE.

1 **(E) A PERSON MAY TRANSFER, DISTRIBUTE, GIVE AWAY, OR ACCEPT THE**
2 **BODILY REMAINS OF AN UNBORN HUMAN BEING FOR THE PURPOSE OF HUMANE**
3 **DISPOSITION OF BODILY REMAINS ONLY IN ACCORDANCE WITH THIS SUBTITLE.**

4 **20-2004.**

5 **A PERSON MAY NOT:**

6 **(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, SELL,**
7 **TRANSFER, DISTRIBUTE, GIVE AWAY, ACCEPT, USE, ATTEMPT TO USE, OR SOLICIT**
8 **THE USE OF AN INFANT BORN ALIVE IN THE COURSE OF AN ABORTION PROCEDURE**
9 **OR THE BODILY REMAINS OF AN UNBORN HUMAN BEING;**

10 **(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AID OR**
11 **ABET A SALE, TRANSFER, DISTRIBUTION, ACCEPTANCE, USE, ATTEMPTED USE, OR**
12 **OTHER UNLAWFUL DISPOSITION OF AN INFANT BORN ALIVE IN THE COURSE OF AN**
13 **ABORTION PROCEDURE OR THE BODILY REMAINS OF AN ABORTED UNBORN HUMAN**
14 **BEING;**

15 **(3) USE AN INFANT BORN ALIVE IN THE COURSE OF AN ABORTION**
16 **PROCEDURE OR THE BODILY REMAINS OF AN ABORTED UNBORN HUMAN BEING IN**
17 **ANY ANIMAL OR HUMAN RESEARCH, EXPERIMENTATION, OR STUDY OR FOR**
18 **TRANSPLANTATION, EXCEPT:**

19 **(I) FOR DIAGNOSTIC OR REMEDIAL TESTS, PROCEDURES, OR**
20 **OBSERVATIONS MADE FOR THE PURPOSE OF DETERMINING THE HEALTH OF THE**
21 **INFANT OR UNBORN HUMAN BEING OR PRESERVING THE LIFE OR HEALTH OF THE**
22 **INFANT, UNBORN HUMAN BEING, OR THE INFANT OR UNBORN HUMAN BEING'S**
23 **PARENT;**

24 **(II) FOR THE EXAMINATION OF BODY TISSUE FOR DIAGNOSTIC**
25 **OR FORENSIC PURPOSES AND ANY NECESSARY RELATED ACTIVITIES, INCLUDING**
26 **ANY STUDY OR TEST, GENETIC OR OTHERWISE, TO DETERMINE PATERNITY OR THE**
27 **CAUSE OF DEATH; OR**

28 **(III) WHEN:**

29 **1. THE DEATH OF THE UNBORN HUMAN BEING IS NOT**
30 **THE RESULT OF AN ABORTION;**

31 **2. THE PARENT OF THE UNBORN HUMAN BEING**
32 **PROVIDED INFORMED, WRITTEN CONSENT; AND**

1 **3. THE USE IS IN ACCORDANCE WITH THE MARYLAND**
2 **REVISED UNIFORM ANATOMICAL GIFT ACT;**

3 **(4) EXPERIMENT UPON AN UNBORN HUMAN BEING WHEN THE**
4 **MOTHER INTENDS TO HAVE AN ABORTION, UNLESS THE EXPERIMENTATION IS**
5 **INTENDED TO TREAT OR CURE A DISEASE OR DISORDER BY REMEDIAL AGENTS OR**
6 **METHODS FOR THE UNBORN HUMAN BEING;**

7 **(5) PERFORM OR OFFER TO PERFORM AN ABORTION WHERE PART OR**
8 **ALL OF THE JUSTIFICATION FOR THE ABORTION IS THAT THE BODILY REMAINS MAY**
9 **BE USED FOR ANIMAL OR HUMAN RESEARCH, EXPERIMENTATION, OR**
10 **TRANSPLANTATION;**

11 **(6) ALTER THE TIMING, METHOD, OR PROCEDURE TYPICALLY USED**
12 **TO TERMINATE A PREGNANCY SOLELY FOR THE PURPOSE OF OBTAINING THE**
13 **BODILY REMAINS;**

14 **(7) USE AN UNBORN HUMAN BEING OR THE BODILY REMAINS OF AN**
15 **UNBORN HUMAN BEING TO CONDUCT OR ATTEMPT TO CONDUCT HUMAN CLONING,**
16 **AS PROHIBITED BY § 10-440 OF THE ECONOMIC DEVELOPMENT ARTICLE; OR**

17 **(8) ACQUIRE, RECEIVE, OR ACCEPT BODILY REMAINS OBTAINED**
18 **FROM AN UNBORN HUMAN BEING THAT WAS GESTATED IN THE UTERUS OF A**
19 **NONHUMAN ANIMAL OR IN AN ARTIFICIAL UTERUS OR WOMB.**

20 **20-2005.**

21 **(A) AN INDIVIDUAL IN CHARGE OF A HEALTH CARE FACILITY OR ABORTION**
22 **CLINIC WHERE BODILY REMAINS OF AN UNBORN HUMAN BEING WERE EXPELLED OR**
23 **EXTRACTED WHO VIOLATES § 20-2002 OR § 20-2003 OF THIS SUBTITLE SHALL BE**
24 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT**
25 **NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH FOR EACH**
26 **VIOLATION.**

27 **(B) ANY PERSON WHO VIOLATES § 20-2004(1) OR (2) OF THIS SUBTITLE**
28 **SHALL BE GUILTY OF A MISDEMEANOR AND ON CONVICTION SUBJECT TO**
29 **IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$50,000 OR**
30 **BOTH FOR EACH VIOLATION.**

31 **(C) ANY PERSON WHO VIOLATES § 20-2004(3), (4), OR (5) OF THIS SUBTITLE**
32 **SHALL BE GUILTY OF A FELONY AND ON CONVICTION SUBJECT TO IMPRISONMENT**
33 **NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$200,000 OR BOTH FOR EACH**

1 VIOLATION.

2 (D) IN ADDITION TO ANY OTHER REMEDIES AVAILABLE UNDER THE LAW:

3 (1) THE PARENT OF AN INFANT, AN UNBORN HUMAN BEING, OR A
4 DECEASED UNBORN HUMAN BEING, OR THE PARENT'S PARENT OR LEGAL GUARDIAN
5 IF THE PARENT OF THE INFANT OR UNBORN HUMAN BEING IS A MINOR, MAY USE ANY
6 FINAL DISPOSITION OF OR EXPERIMENTATION ON AN INFANT, AN UNBORN HUMAN
7 BEING, OR BODILY REMAINS IN VIOLATION OF THIS SUBTITLE AS A BASIS FOR
8 RECOVERY IN A CIVIL ACTION, INCLUDING:

9 (I) DAMAGES FOR PSYCHOLOGICAL INJURIES CAUSED BY THE
10 VIOLATION OF THIS SUBTITLE; AND

11 (II) DAMAGES EQUAL TO 10 TIMES THE COST OF THE MOTHER'S
12 DELIVERY OR ABORTION; AND

13 (2) THE STATE BOARD OF PHYSICIANS OR ANY OTHER APPLICABLE
14 HEALTH OCCUPATIONS BOARD UNDER THE HEALTH OCCUPATIONS ARTICLE MAY
15 USE A VIOLATION OF THIS SUBTITLE AS A BASIS FOR DISCIPLINARY ACTION,
16 INCLUDING THE SUSPENSION OR REVOCATION OF THE LICENSE OF THE PERSON
17 WHO VIOLATED THIS SUBTITLE.

18 (E) IF A PERSON WITH A LICENSE OR CERTIFICATION ISSUED BY A HEALTH
19 OCCUPATIONS BOARD UNDER THE HEALTH OCCUPATIONS ARTICLE IS CONVICTED
20 UNDER SUBSECTION (B) OR (C) OF THIS SECTION, THE APPROPRIATE HEALTH
21 OCCUPATIONS BOARD SHALL:

22 (1) SUSPEND THE LICENSE OF THE PERSON FOR A PERIOD OF AT
23 LEAST 1 YEAR; AND

24 (2) REINSTATE THE PERSON'S LICENSE ONLY UNDER CONDITIONS
25 THAT THE HEALTH OCCUPATIONS BOARD DETERMINES ARE NECESSARY TO ENSURE
26 THE PERSON COMPLIES WITH THIS SUBTITLE.

27 20-2006.

28 THIS SUBTITLE MAY NOT BE CONSTRUED TO:

29 (1) AFFECT EXISTING FEDERAL OR STATE LAW REGARDING
30 ABORTION;

31 (2) CREATE OR RECOGNIZE A RIGHT TO ABORTION; OR

1 **(3) ALTER GENERALLY ACCEPTED MEDICAL STANDARDS.**

2 **20–2007.**

3 **THIS SUBTITLE MAY BE CITED AS THE HUMANE DISPOSITION OF HUMAN**
4 **REMAINS ACT.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or
6 the application thereof to any person or circumstance is held invalid for any reason in a
7 court of competent jurisdiction, the invalidity does not affect other provisions or any other
8 application of this Act that can be given effect without the invalid provision or application,
9 and for this purpose the provisions of this Act are declared severable.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2021.