

HOUSE BILL 1167

J1

2lr2856

By: **Delegates McComas, Boteler, McKay, and Shoemaker**

Introduced and read first time: February 11, 2022

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Abortions – Coercion**
3 **(Coercive Abuse Against Mothers Prevention Act)**

4 FOR the purpose of prohibiting an individual from committing or threatening certain
5 actions with the intent of coercing a pregnant woman to have an abortion; providing
6 that a pregnant minor is considered an emancipated minor for purposes of eligibility
7 for public assistance if the minor is denied financial support from a parent or
8 guardian due to the minor’s refusal to have an abortion; requiring a health care
9 facility that performs abortions to post certain signs in certain rooms of the facility;
10 requiring employees and volunteers of a health care facility that performs abortions
11 to make a certain report under certain circumstances; requiring physicians to comply
12 with a certain waiting period before performing an abortion if an employee or
13 volunteer suspects that a pregnant woman is being coerced into having an abortion;
14 and generally relating to abortion.

15 BY adding to

16 Article – Health – General
17 Section 20–217 through 20–223 to be under the new part “Part V. Coercive Actions”
18 Annotated Code of Maryland
19 (2019 Replacement Volume and 2021 Supplement)

20 Preamble

21 WHEREAS, Research indicates that violence against pregnant women is a serious
22 problem; and

23 WHEREAS, Many women report that they were coerced into abortions and have
24 suffered grievous physical, emotional, psychological, and spiritual harm as a result; and

25 WHEREAS, More cases of coerced or attempted coerced abortions are reported if
26 women are informed of their rights and provided information concerning treatment and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 protection options; and

2 WHEREAS, More women receive treatment for coercive abuse if they are informed
3 of their rights and given information concerning treatment and protection options; and

4 WHEREAS, Coercive abuse is a serious women's health issue because it violates a
5 woman's right to physical and emotional health, freedom of conscience, and freedom to
6 choose whether to continue her pregnancy or have an abortion; now, therefore,

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

9 **Article – Health – General**

10 **20–215. RESERVED.**

11 **20–216. RESERVED.**

12 **PART V. COERCIVE ACTIONS.**

13 **20–217.**

14 **(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS**
15 **INDICATED.**

16 **(B) (1) “ABORTION” MEANS THE ACT OF USING OR PRESCRIBING AN**
17 **INSTRUMENT, A MEDICINE, A DRUG, OR ANY OTHER SUBSTANCE, DEVICE, OR MEANS**
18 **WITH THE INTENT TO TERMINATE THE CLINICALLY DIAGNOSABLE PREGNANCY OF A**
19 **WOMAN, WITH KNOWLEDGE THAT THE TERMINATION BY THOSE MEANS WILL WITH**
20 **REASONABLE LIKELIHOOD CAUSE THE DEATH OF THE UNBORN CHILD.**

21 **(2) “ABORTION” DOES NOT INCLUDE THE USE OR PRESCRIPTION OF**
22 **AN INSTRUMENT, A MEDICINE, A DRUG, OR ANY OTHER SUBSTANCE, DEVICE, OR**
23 **MEANS IF USED OR PRESCRIBED TO:**

24 **(I) SAVE THE LIFE OR PRESERVE THE HEALTH OF AN UNBORN**
25 **CHILD;**

26 **(II) REMOVE A DEAD UNBORN CHILD RESULTING FROM**
27 **SPONTANEOUS PREGNANCY LOSS;**

28 **(III) REMOVE AN ECTOPIC PREGNANCY; OR**

29 **(IV) TREAT A MATERNAL DISEASE OR ILLNESS FOR WHICH THE**

1 PRESCRIBED DRUG IS INDICATED.

2 (C) "HEALTH CARE FACILITY" HAS THE MEANING STATED IN § 19-114 OF
3 THIS ARTICLE.

4 20-218.

5 (A) AN INDIVIDUAL WHO KNOWS OR SUSPECTS THAT A WOMAN IS PREGNANT
6 MAY NOT ENGAGE, OR CONSPIRE WITH ANOTHER INDIVIDUAL TO ENGAGE, IN THE
7 FOLLOWING CONDUCT WITH THE INTENT OF DIRECTING THE PREGNANT WOMAN TO
8 HAVE AN ABORTION, BASED ON THE PREGNANT WOMAN DISREGARDING OR
9 REFUSING THE INDIVIDUAL'S DEMAND THAT SHE SEEK AN ABORTION:

10 (1) COMMITTING, ATTEMPTING TO COMMIT, OR THREATENING TO
11 COMMIT PHYSICAL HARM TO THE PREGNANT WOMAN, UNBORN CHILD, OR ANOTHER
12 INDIVIDUAL;

13 (2) COMMITTING, ATTEMPTING TO COMMIT, OR THREATENING TO
14 COMMIT A VIOLATION OF THE CRIMINAL LAW ARTICLE;

15 (3) REVOKING, ATTEMPTING TO REVOKE, OR THREATENING TO
16 REVOKE A SCHOLARSHIP AWARDED TO THE PREGNANT WOMAN BY AN INSTITUTION
17 OF HIGHER EDUCATION;

18 (4) DISCHARGING, ATTEMPTING TO DISCHARGE, OR THREATENING
19 TO DISCHARGE THE PREGNANT WOMAN OR ANOTHER INDIVIDUAL FROM
20 EMPLOYMENT;

21 (5) CHANGING, ATTEMPTING TO CHANGE, OR THREATENING TO
22 CHANGE THE COMPENSATION, TERMS, CONDITIONS, OR PRIVILEGES OF
23 EMPLOYMENT OF THE PREGNANT WOMAN OR ANOTHER INDIVIDUAL;

24 (6) DENYING, ATTEMPTING TO DENY, OR THREATENING TO DENY ANY
25 SOCIAL ASSISTANCE THAT A PREGNANT WOMAN HAS APPLIED FOR, HAS BEEN
26 RECEIVING, OR IS ELIGIBLE FOR; OR

27 (7) DENYING, REMOVING, OR THREATENING TO DENY OR REMOVE
28 FINANCIAL SUPPORT OR HOUSING FROM A DEPENDENT OF THE PREGNANT WOMAN.

29 (B) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A
30 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

31 (C) THE SENTENCE IMPOSED FOR A VIOLATION OF THIS SECTION SHALL BE

1 CONSECUTIVE TO AND NOT CONCURRENT WITH ANY OTHER SENTENCE IMPOSED
2 FOR ANY CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF THIS
3 SECTION.

4 **20-219.**

5 (A) (1) A WOMAN WHO IS A VICTIM OF A VIOLATION OF § 20-218 OF THIS
6 SUBTITLE MAY BRING A CIVIL ACTION FOR MONEY DAMAGES AGAINST THE
7 PERPETRATOR, INCLUDING AN ACTION FOR WRONGFUL DEATH UNDER TITLE 3,
8 SUBTITLE 9 OF THE COURTS ARTICLE IF APPLICABLE.

9 (2) AN ACTION MAY BE BROUGHT UNDER THIS SECTION WITHOUT
10 REGARD TO:

11 (I) WHETHER AN ABORTION WAS ACTUALLY PERFORMED;

12 (II) WHETHER THE DEFENDANT WAS CRIMINALLY
13 PROSECUTED; OR

14 (III) THE OUTCOME OF ANY CRIMINAL PROSECUTION.

15 (3) A WOMAN WHO IS SUCCESSFUL IN A CIVIL ACTION UNDER THIS
16 SUBSECTION IS ENTITLED TO REASONABLE ATTORNEY'S FEES.

17 (B) (1) A PREGNANT WOMAN WHO IS THE VICTIM OF A VIOLATION OF §
18 20-218 OF THIS SUBTITLE MAY BRING AN ACTION IN CIRCUIT COURT SEEKING TO
19 PREVENT THE PERPETRATOR FROM COMMITTING A SUBSEQUENT VIOLATION OR
20 CEASE AN ONGOING VIOLATION OF § 20-218 OF THIS SUBTITLE.

21 (2) IN AN ACTION BROUGHT UNDER PARAGRAPH (1) OF THIS
22 SUBSECTION, THE COURT SHALL:

23 (I) PROVIDE THE PREGNANT WOMAN WITH COUNSEL IF
24 REQUESTED;

25 (II) GIVE THE MATTER EXPEDITED CONSIDERATION; AND

26 (III) GRANT ANY RELIEF NECESSARY TO PREVENT FURTHER
27 VIOLATION OR CEASE AN ONGOING VIOLATION OF § 20-218 OF THIS SUBTITLE.

28 **20-220.**

29 (A) IF A MINOR IS DENIED FINANCIAL SUPPORT FROM A PARENT,

1 GUARDIAN, OR CUSTODIAN DUE TO THE MINOR'S REFUSAL TO HAVE AN ABORTION,
2 THE MINOR SHALL BE CONSIDERED AN EMANCIPATED MINOR FOR PURPOSES OF
3 ELIGIBILITY FOR PUBLIC ASSISTANCE BENEFITS.

4 (B) ANY PUBLIC ASSISTANCE BENEFITS PROVIDED TO A MINOR
5 EMANCIPATED UNDER THIS SECTION MAY NOT BE USED TO OBTAIN AN ABORTION.

6 **20-221.**

7 AS A CONDITION OF LICENSURE, A HEALTH CARE FACILITY THAT PERFORMS
8 ABORTIONS SHALL POST SIGNS CONSPICUOUSLY IN A WAITING ROOM,
9 CONSULTATION ROOM, AND PROCEDURE ROOM STATING THE FOLLOWING:

10 "IT IS AGAINST THE LAW FOR ANYONE, REGARDLESS OF HIS OR HER
11 RELATIONSHIP TO YOU, TO FORCE YOU TO HAVE AN ABORTION. YOU HAVE THE
12 RIGHT TO CONTACT ANY STATE OR LOCAL LAW ENFORCEMENT OR SOCIAL SERVICE
13 AGENCY TO RECEIVE PROTECTION FROM ANY ACTUAL OR THREATENED PHYSICAL,
14 EMOTIONAL, OR PSYCHOLOGICAL ABUSE. IT IS AGAINST THE LAW TO PERFORM,
15 INDUCE, PRESCRIBE FOR, OR PROVIDE YOU WITH THE MEANS FOR AN ABORTION
16 WITHOUT YOUR VOLUNTARY CONSENT."

17 **20-222.**

18 (A) BEFORE PERFORMING AN ABORTION, A PHYSICIAN SHALL, IN A PRIVATE
19 ROOM:

20 (1) ASK THE PREGNANT WOMAN IF SHE IS BEING COERCED,
21 THREATENED, OR FORCED TO HAVE AN ABORTION;

22 (2) OFFER TO PROVIDE THE PREGNANT WOMAN WITH INFORMATION
23 ABOUT ASSISTANCE, COUNSELING, AND PROTECTIVE SERVICES OFFERED BY SOCIAL
24 SERVICES AND LAW ENFORCEMENT AGENCIES;

25 (3) PROVIDE THE PREGNANT WOMAN WITH A TELEPHONE THAT SHE
26 MAY USE TO MAKE A PRIVATE PHONE CALL; AND

27 (4) PROVIDE THE PREGNANT WOMAN WITH AN ALTERNATIVE EXIT
28 FROM THE FACILITY.

29 (B) (1) AN EMPLOYEE OR A VOLUNTEER OF A HEALTH CARE FACILITY
30 WHO KNOWS, ALLEGES, OR SUSPECTS A PREGNANT WOMAN TO BE A VICTIM OF A
31 VIOLATION OF § 20-218 OF THIS SUBTITLE PERSONALLY SHALL MAKE A REPORT TO
32 A LOCAL LAW ENFORCEMENT AGENCY WITHIN 48 HOURS AFTER THE DISCOVERY OF

1 THE KNOWLEDGE, ALLEGATION, OR SUSPICION.

2 (2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS
3 SUBSECTION SHALL CONTAIN:

4 (I) THE NAME AND ADDRESS OF THE PREGNANT WOMAN;

5 (II) IF THE PREGNANT WOMAN IS A MINOR, THE NAME AND
6 ADDRESS OF A PARENT OR GUARDIAN OF THE MINOR; AND

7 (III) ANY RELEVANT INFORMATION THE EMPLOYEE OR
8 VOLUNTEER HAS RELATING TO THE KNOWN, ALLEGED, OR SUSPECTED COERCION.

9 (3) IF AN EMPLOYEE OR VOLUNTEER KNOWS, ALLEGES, OR SUSPECTS
10 THAT A PREGNANT WOMAN IS A VICTIM OF A VIOLATION OF § 20–218 OF THIS
11 SUBTITLE, A PHYSICIAN SHALL ORALLY INFORM THE PREGNANT WOMAN THAT:

12 (I) COERCION IS PROHIBITED UNDER § 20–218 OF THIS
13 SUBTITLE;

14 (II) THE PREGNANT WOMAN MAY HAVE LEGAL REMEDIES; AND

15 (III) A REQUEST OR DEMAND FOR AN ABORTION MADE BY THE
16 FATHER OF THE UNBORN CHILD DOES NOT RELIEVE THE FATHER OF HIS FINANCIAL
17 SUPPORT RESPONSIBILITIES.

18 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
19 PHYSICIAN MAY NOT PERFORM AN ABORTION ON A PREGNANT WOMAN WHO IS
20 KNOWN, ALLEGED, OR SUSPECTED TO BE A VICTIM OF A VIOLATION OF § 20–218 OF
21 THIS SUBTITLE WITHIN 24 HOURS AFTER THE LATER OF:

22 (I) THE DISCOVERY OF THE KNOWLEDGE, SUSPICION, OR
23 ALLEGATION; OR

24 (II) INFORMING THE PREGNANT WOMAN OF HER RIGHTS UNDER
25 SUBSECTIONS (A) AND (B)(3) OF THIS SECTION.

26 (2) THE 24–HOUR WAITING PERIOD REQUIRED UNDER PARAGRAPH
27 (1) OF THIS SUBSECTION MAY BE WAIVED IF, IN THE PHYSICIAN’S BEST MEDICAL
28 JUDGMENT, AN ABORTION IS NECESSARY TO PREVENT THE DEATH OF THE
29 PREGNANT WOMAN OR SUBSTANTIAL AND IRREVERSIBLE INJURY TO ONE OF THE
30 PREGNANT WOMAN’S MAJOR BODILY FUNCTIONS.

1 **(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**
2 **AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.**

3 **(E) A HEALTH CARE FACILITY MAY NOT EMPLOY AN INDIVIDUAL OR ALLOW**
4 **AN INDIVIDUAL TO VOLUNTEER IF THE INDIVIDUAL HAS COMMITTED A VIOLATION**
5 **OF THIS SECTION.**

6 **20-223.**

7 **ON THE REQUEST OF THE INDIVIDUAL REPORTING AN ALLEGED VIOLATION**
8 **OF § 20-218 OR § 20-222 OF THIS SUBTITLE, A LAW ENFORCEMENT AGENCY SHALL**
9 **NOTIFY THE INDIVIDUAL MAKING THE REPORT AT LEAST 24 HOURS BEFORE THE**
10 **LAW ENFORCEMENT AGENCY'S INITIAL CONTACT WITH THE ALLEGED VIOLATOR.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2022.