

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 50 (Delegate Amprey)
Health and Government Operations

Public Health – Abortion, Artificial Insemination, and Sterilization –
Requirement

This bill requires a licensed hospital, hospital director, or hospital governing board to *authorize* within the hospital, the performance of any medical procedure that results in artificial insemination, sterilization, or termination of pregnancy or refer to any source for these medical procedures. Accordingly, the bill repeals protections from civil liability, disciplinary, or other recriminatory action for refusing to permit or refer for the performance of any medical procedure that results in artificial insemination, sterilization, or termination of pregnancy.

Fiscal Summary

State Effect: The bill’s requirements can likely be handled with existing budgeted resources. Revenues are not materially affected.

Local Effect: The bill’s requirements can likely be handled with existing budgeted resources. Revenues are not materially affected.

Small Business Effect: None.

Analysis

Current Law: In general, 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*. The Maryland Department of Health 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.

A person may not be required to perform or participate in, or refer to any source for, any medical procedure that results in artificial insemination, sterilization, or termination of pregnancy. The refusal of a person to perform or participate in, or refer to a source for, these medical procedures may not be a basis for civil liability to another person or disciplinary or other recriminatory action against the person.

A licensed hospital, hospital director, or hospital governing board may not be required to (1) permit within the hospital, the performance of any medical procedure that results in artificial insemination, sterilization, or termination of pregnancy or (2) refer to any source for these medical procedures.

The refusal to permit or to refer to a source for these procedures may not be grounds for civil liability to another person or disciplinary or other recriminatory action against the person by this State or any person.

An individual's refusal to submit to or give consent for an abortion or sterilization is not grounds for loss of any privileges or immunities to which the individual otherwise would be entitled. Submitting to or granting consent for an abortion or sterilization may not be a condition precedent for the receipt of any public benefits.

Notwithstanding any other provision of this section of law, a health care provider, a licensed hospital, a hospital director, or a hospital governing board is not immune from any available civil damages or from disciplinary or other recriminatory action, if the failure to refer a patient to a source for any medical procedure that results in sterilization or termination of pregnancy would reasonably be determined as (1) the cause of death or serious physical injury or serious long-lasting injury to the patient and (2) otherwise contrary to the standards of medical care.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland Department of Health; Maryland Health Care Alternative Dispute Resolution Office; Department of Legislative Services

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