

**Department of Legislative Services**  
Maryland General Assembly  
2022 Session

**FISCAL AND POLICY NOTE**  
**Third Reader**

House Bill 1171

(Delegate A. Jones)

Health and Government Operations

Finance

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**Declaration of Rights - Right to Reproductive Liberty**

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This proposed constitutional amendment, if approved by the voters at the next general election to be held in November 2022, (1) establishes, as a central component of an individual's rights to liberty and equality, the fundamental right to reproductive liberty, which includes the right to make and effectuate decisions regarding the individual's own reproduction, including but not limited to the ability to prevent, continue, or end their pregnancy, and (2) prohibits the State from directly or indirectly denying, burdening, or abridging a person's right to reproductive liberty unless justified by a compelling State interest achieved by the least restrictive means.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** None.

**Small Business Effect:** None.

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**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.

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### **Additional Information**

**Prior Introductions:** HB 1031 of 2019, a similar bill, was withdrawn.

**Designated Cross File:** None.

**Information Source(s):** Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - February 17, 2022  
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