

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

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 1321  
(Delegate Arikana, *et al.*)  
Health and Government Operations

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**Health - Abortions - Reporting Requirement**

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This bill requires a regulated facility where abortions are performed to annually report the rate of gastroschisis in the fetuses aborted to the Vital Statistics Administration within the Maryland Department of Health (MDH).

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**Fiscal Summary**

**State Effect:** MDH can absorb the bill's requirements within existing budgeted resources. Revenues are not affected.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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**Analysis**

**Current Law:** 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*, 410 U.S. 113 (1973). A viable fetus is one that has a reasonable likelihood of surviving outside of the womb. MDH 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.

The Office of Health Care Quality within MDH regulates specified health care facilities within the State where abortions may be provided including ambulatory surgical centers, freestanding ambulatory surgical centers, hospitals, and surgical abortion facilities.

**Additional Comments:** The U.S. Centers for Disease Control and Prevention describes gastroschisis as a birth defect of the abdominal wall where the fetus's intestines are found outside of the body, exiting through a hole beside the belly button.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

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

**Fiscal Note History:** First Reader - March 9, 2022  
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