

SENATE BILL 862

J1, F2
SB 832/23 – FIN

4lr2739
CF HB 884

By: **Senators Carozza, Folden, Mautz, McKay, Ready, Salling, and Simonaire**
Introduced and read first time: February 2, 2024
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Pregnancy – Coercion**
3 **(Protecting Pregnant Women Against Coercive Abuse and Human Trafficking)**

4 FOR the purpose of prohibiting an individual from committing or threatening certain
5 actions, including certain actions related to sex trafficking, with the intent of
6 coercing a pregnant woman to have an abortion; providing that a pregnant minor is
7 considered an emancipated minor for purposes of eligibility for public assistance if
8 the minor is denied financial support from a parent or guardian due to the minor's
9 refusal to have an abortion; requiring health care facilities that perform abortions
10 and public senior higher education institutions that provide abortion care services to
11 post certain signs in certain rooms of the facility or institution; requiring health care
12 providers to comply with a certain waiting period before performing an abortion if
13 an employee or a volunteer suspects that a pregnant woman is being coerced into
14 having an abortion; and generally relating to abortion.

15 BY adding to

16 Article – Health – General
17 Section 20–217 through 20–224 to be under the new part “Part V. Coercive Actions”
18 Annotated Code of Maryland
19 (2023 Replacement Volume)

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

22 **Article – Health – General**

23 **20–215. RESERVED.**

24 **20–216. RESERVED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



PART V. COERCIVE ACTIONS.

20-217.

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

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

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

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

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

(III) REMOVE AN ECTOPIC PREGNANCY; OR

(IV) TREAT A MATERNAL DISEASE OR ILLNESS FOR WHICH THE PRESCRIBED DRUG IS INDICATED.

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

(D) "PUBLIC SENIOR HIGHER EDUCATION INSTITUTION" HAS THE MEANING STATED IN § 10-101 OF THE EDUCATION ARTICLE.

(E) "SEX TRAFFICKING" MEANS THE RECRUITMENT, HARBORING, TRANSPORTATION, PROVISION, OBTAINING, PATRONIZING, OR SOLICITING OF AN INDIVIDUAL FOR THE PURPOSE OF A COMMERCIAL SEX ACT THAT IS:

(1) INDUCED BY FORCE, FRAUD, OR COERCION; OR

(2) PERFORMED BY A MINOR.

20-218.

1 (A) AN INDIVIDUAL WHO KNOWS OR SUSPECTS THAT A WOMAN IS PREGNANT
2 MAY NOT ENGAGE, OR CONSPIRE WITH ANOTHER INDIVIDUAL TO ENGAGE, IN THE
3 FOLLOWING CONDUCT WITH THE INTENT OF DIRECTING THE PREGNANT WOMAN TO
4 HAVE AN ABORTION:

5 (1) COMMITTING, ATTEMPTING TO COMMIT, OR THREATENING TO
6 COMMIT PHYSICAL HARM TO THE PREGNANT WOMAN, THE UNBORN CHILD, OR
7 ANOTHER INDIVIDUAL;

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

10 (3) REVOKING, ATTEMPTING TO REVOKE, OR THREATENING TO
11 REVOKE A SCHOLARSHIP AWARDED TO THE PREGNANT WOMAN BY AN INSTITUTION
12 OF HIGHER EDUCATION;

13 (4) DISCHARGING, ATTEMPTING TO DISCHARGE, OR THREATENING
14 TO DISCHARGE THE PREGNANT WOMAN OR ANOTHER INDIVIDUAL FROM
15 EMPLOYMENT;

16 (5) CHANGING, ATTEMPTING TO CHANGE, OR THREATENING TO
17 CHANGE THE COMPENSATION, TERMS, CONDITIONS, OR PRIVILEGES OF
18 EMPLOYMENT OF THE PREGNANT WOMAN OR ANOTHER INDIVIDUAL;

19 (6) DENYING, ATTEMPTING TO DENY, OR THREATENING TO DENY ANY
20 SOCIAL ASSISTANCE THAT THE PREGNANT WOMAN HAS APPLIED FOR, HAS BEEN
21 RECEIVING, OR IS ELIGIBLE FOR;

22 (7) DENYING, REMOVING, OR THREATENING TO DENY OR REMOVE
23 FINANCIAL SUPPORT OR HOUSING FROM A DEPENDENT OF THE PREGNANT WOMAN;

24 (8) SELLING, ATTEMPTING TO SELL, OR THREATENING TO SELL THE
25 PREGNANT WOMAN INTO SEX TRAFFICKING;

26 (9) FORCING, ATTEMPTING TO FORCE, OR THREATENING TO FORCE
27 THE PREGNANT WOMAN TO CONTINUE TO ENGAGE IN SEX TRAFFICKING;

28 (10) SELLING, ATTEMPTING TO SELL, OR THREATENING TO SELL THE
29 PREGNANT WOMAN TO ANOTHER INDIVIDUAL FOR THE PURPOSE OF SEX
30 TRAFFICKING;

31 (11) FORCING, ATTEMPTING TO FORCE, OR THREATENING TO FORCE

1 THE PREGNANT WOMAN TO MOVE TO ANOTHER CITY, STATE, OR COUNTRY AGAINST
2 HER WILL;

3 (12) SELLING, ATTEMPTING TO SELL, OR THREATENING TO SELL THE
4 UNBORN BABY OF THE PREGNANT WOMAN INTO SEX TRAFFICKING ONCE THE
5 UNBORN BABY IS BORN; OR

6 (13) SEPARATING, ATTEMPTING TO SEPARATE, OR THREATENING TO
7 SEPARATE THE PREGNANT WOMAN FROM THE UNBORN BABY ONCE THE UNBORN
8 BABY IS BORN.

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

11 (C) THE SENTENCE IMPOSED FOR A VIOLATION OF THIS SECTION SHALL BE
12 CONSECUTIVE TO AND NOT CONCURRENT WITH ANY OTHER SENTENCE IMPOSED
13 FOR ANY CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF THIS
14 SECTION.

15 **20-219.**

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

20 (2) AN ACTION MAY BE BROUGHT UNDER THIS SECTION WITHOUT
21 REGARD TO:

22 (I) WHETHER AN ABORTION WAS ACTUALLY PERFORMED;

23 (II) WHETHER THE DEFENDANT WAS CRIMINALLY
24 PROSECUTED; OR

25 (III) THE OUTCOME OF ANY CRIMINAL PROSECUTION.

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

28 (B) (1) A PREGNANT WOMAN WHO IS THE VICTIM OF A VIOLATION OF §
29 20-218 OF THIS SUBTITLE MAY BRING AN ACTION IN CIRCUIT COURT SEEKING TO
30 PREVENT THE PERPETRATOR FROM COMMITTING A SUBSEQUENT VIOLATION OR
31 CEASE AN ONGOING VIOLATION OF § 20-218 OF THIS SUBTITLE.

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

3 **(I) PROVIDE THE PREGNANT WOMAN WITH COUNSEL IF**
4 **REQUESTED; AND**

5 **(II) GRANT ANY RELIEF NECESSARY TO PREVENT FURTHER**
6 **VIOLATION OR CEASE AN ONGOING VIOLATION OF § 20–218 OF THIS SUBTITLE.**

7 **20–220.**

8 **(A) IF A MINOR IS DENIED FINANCIAL SUPPORT FROM A PARENT,**
9 **GUARDIAN, OR CUSTODIAN DUE TO THE MINOR’S REFUSAL TO HAVE AN ABORTION,**
10 **THE MINOR SHALL BE CONSIDERED AN EMANCIPATED MINOR FOR PURPOSES OF**
11 **ELIGIBILITY FOR PUBLIC ASSISTANCE BENEFITS.**

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

14 **20–221.**

15 **EACH HEALTH CARE FACILITY THAT PERFORMS ABORTIONS, AS A CONDITION**
16 **OF LICENSURE, AND EACH PUBLIC SENIOR HIGHER EDUCATION INSTITUTION THAT**
17 **PROVIDES ABORTION CARE SERVICES SHALL:**

18 **(1) POST SIGNS CONSPICUOUSLY IN A WAITING ROOM,**
19 **CONSULTATION ROOM, AND PROCEDURE ROOM STATING THE FOLLOWING:**

20 **“IT IS AGAINST THE LAW FOR ANYONE, REGARDLESS OF HIS OR HER**
21 **RELATIONSHIP TO YOU, TO FORCE YOU TO HAVE AN ABORTION. YOU HAVE THE**
22 **RIGHT TO CONTACT ANY STATE OR LOCAL LAW ENFORCEMENT OR SOCIAL SERVICE**
23 **AGENCY TO RECEIVE PROTECTION FROM ANY ACTUAL OR THREATENED PHYSICAL,**
24 **EMOTIONAL, OR PSYCHOLOGICAL ABUSE. IT IS AGAINST THE LAW TO PERFORM,**
25 **INDUCE, PRESCRIBE FOR, OR PROVIDE YOU WITH THE MEANS FOR AN ABORTION**
26 **WITHOUT YOUR VOLUNTARY CONSENT.”; AND**

27 **(2) POST CONSPICUOUS SIGNS IN A WAITING ROOM, CONSULTATION**
28 **ROOM, AND PROCEDURE ROOM THAT INCLUDE:**

29 **(I) INFORMATION ON HOW TO REPORT SEX TRAFFICKING AND**
30 **A STATEMENT THAT VICTIMS OF HUMAN TRAFFICKING ARE PROTECTED UNDER**
31 **INTERNATIONAL, FEDERAL, AND STATE LAW; AND**

1 **(II) INFORMATION AND VISUAL REPRESENTATION ON HOW TO**
2 **USE AMERICAN SIGN LANGUAGE TO INDICATE THAT THE PREGNANT WOMAN IS**
3 **BEING SEX TRAFFICKED.**

4 **20-222.**

5 **(A) BEFORE PERFORMING AN ABORTION OR DISPENSING AN**
6 **ABORTION-INDUCING DRUG, A HEALTH CARE PROVIDER SHALL, IN A PRIVATE**
7 **ROOM:**

8 **(1) ASK THE PREGNANT WOMAN WHETHER SHE IS BEING COERCED,**
9 **THREATENED, OR FORCED TO HAVE AN ABORTION;**

10 **(2) ASK THE PREGNANT WOMAN WHETHER SHE IS BEING SEX**
11 **TRAFFICKED;**

12 **(3) OFFER TO PROVIDE THE PREGNANT WOMAN WITH INFORMATION**
13 **ABOUT ASSISTANCE, COUNSELING, AND PROTECTIVE SERVICES OFFERED BY SOCIAL**
14 **SERVICES AND LAW ENFORCEMENT AGENCIES;**

15 **(4) PROVIDE THE PREGNANT WOMAN WITH A TELEPHONE THAT SHE**
16 **MAY USE TO MAKE A PRIVATE PHONE CALL; AND**

17 **(5) PROVIDE THE PREGNANT WOMAN WITH AN ALTERNATIVE EXIT**
18 **FROM THE FACILITY.**

19 **(B) (1) AN EMPLOYEE OR A VOLUNTEER OF A HEALTH CARE FACILITY OR**
20 **A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION THAT PROVIDES ABORTION**
21 **CARE SERVICES UNDER § 15-136 OF THE EDUCATION ARTICLE WHO KNOWS,**
22 **ALLEGES, OR SUSPECTS A PREGNANT WOMAN TO BE A VICTIM OF A VIOLATION OF §**
23 **20-218 OF THIS SUBTITLE PERSONALLY SHALL MAKE A REPORT TO A LOCAL LAW**
24 **ENFORCEMENT AGENCY WITHIN 48 HOURS AFTER THE DISCOVERY OF THE**
25 **KNOWLEDGE, ALLEGATION, OR SUSPICION.**

26 **(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS**
27 **SUBSECTION SHALL CONTAIN:**

28 **(I) THE NAME AND ADDRESS OF THE PREGNANT WOMAN;**

29 **(II) IF THE PREGNANT WOMAN IS A MINOR, THE NAME AND**
30 **ADDRESS OF A PARENT OR GUARDIAN OF THE MINOR; AND**

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

3 (3) IF AN EMPLOYEE OR A VOLUNTEER KNOWS, ALLEGES, OR
4 SUSPECTS THAT A PREGNANT WOMAN IS A VICTIM OF A VIOLATION OF § 20-218 OF
5 THIS SUBTITLE, A HEALTH CARE PROVIDER SHALL ORALLY INFORM THE PREGNANT
6 WOMAN THAT:

7 (I) COERCION IS PROHIBITED UNDER § 20-218 OF THIS
8 SUBTITLE;

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

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

13 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
14 HEALTH CARE PROVIDER MAY NOT PERFORM AN ABORTION ON A PREGNANT WOMAN
15 WHO IS KNOWN, ALLEGED, OR SUSPECTED TO BE A VICTIM OF A VIOLATION OF §
16 20-218 OF THIS SUBTITLE WITHIN 24 HOURS AFTER THE LATER OF:

17 (I) THE DISCOVERY OF THE KNOWLEDGE, ALLEGATION, OR
18 SUSPICION; OR

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

21 (2) THE 24-HOUR WAITING PERIOD REQUIRED UNDER PARAGRAPH
22 (1) OF THIS SUBSECTION MAY BE WAIVED IF, IN A PHYSICIAN'S BEST MEDICAL
23 JUDGMENT, AN ABORTION IS NECESSARY TO PREVENT THE DEATH OF THE
24 PREGNANT WOMAN OR SUBSTANTIAL AND IRREVERSIBLE INJURY TO ONE OF THE
25 PREGNANT WOMAN'S MAJOR BODILY FUNCTIONS.

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

28 (E) A HEALTH CARE FACILITY OR PUBLIC SENIOR HIGHER EDUCATION
29 INSTITUTION THAT PROVIDES ABORTION CARE SERVICES UNDER § 15-136 OF THE
30 EDUCATION ARTICLE MAY NOT EMPLOY AN INDIVIDUAL OR ALLOW AN INDIVIDUAL
31 TO VOLUNTEER IF THE INDIVIDUAL HAS COMMITTED A VIOLATION OF THIS SECTION.

32 20-223.

1 **ON THE REQUEST OF THE INDIVIDUAL REPORTING AN ALLEGED VIOLATION**
2 **OF § 20–218 OR § 20–222 OF THIS SUBTITLE, A LAW ENFORCEMENT AGENCY SHALL**
3 **NOTIFY THE INDIVIDUAL MAKING THE REPORT AT LEAST 12 HOURS BEFORE THE**
4 **LAW ENFORCEMENT AGENCY’S INITIAL CONTACT WITH THE ALLEGED VIOLATOR.**

5 **20–224.**

6 **THIS PART MAY NOT BE CONSTRUED TO ALTER EXISTING CRIMINAL LAW**
7 **REGARDING CRIMES ARISING FROM SEX TRAFFICKING.**

8 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
9 **October 1, 2024.**