

HB0930/773822/1

BY: Delegate Wivell

AMENDMENTS TO HOUSE BILL 930
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “– **Establishment**” and substitute “**and Abortion Reporting**”; in line 9, after “circumstances;” insert “**requiring a physician who performs an abortion or certain hospitals, facilities, and institutions in which an abortion is performed to submit a certain report to the Maryland Department of Health and the federal Centers for Disease Control;**”; in line 10, after “Fund” insert “**and abortion reporting**”; in line 18, strike “13–5503” and substitute “**13–5504**”; and in line 19, after “Program” insert “**and Abortion Reporting**”.

AMENDMENT NO. 2

On page 4, in line 12, after “PROGRAM” insert “**AND ABORTION REPORTING**”.

On page 7, after line 19, insert:

“13–5504.

(A) (1) IN THIS SECTION, “ABORTION” MEANS THE USE OR PRESCRIPTION OF ANY INSTRUMENT, MEDICINE, OR DRUG, OR ANY OTHER SUBSTANCE OR DEVICE, TO INTENTIONALLY KILL THE FETUS OF A WOMAN KNOWN TO BE PREGNANT OR TO INTENTIONALLY TERMINATE THE PREGNANCY OF A WOMAN KNOWN TO BE PREGNANT.

(2) “ABORTION” DOES NOT INCLUDE ACTIONS PERFORMED AFTER VIABILITY TO PRODUCE A LIVE BIRTH AND PRESERVE THE LIFE AND HEALTH OF THE FETUS BORN ALIVE, OR TO REMOVE A DEAD UNBORN FETUS.

(B) A PHYSICIAN PERFORMING AN ABORTION OR A HOSPITAL, A FACILITY, OR AN INSTITUTION IN WHICH AN ABORTION IS PERFORMED SHALL REPORT THE ABORTION TO THE DEPARTMENT AND THE FEDERAL CENTERS FOR DISEASE CONTROL.

(C) (1) THE REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL:

(I) BE MADE ON A FORM DEVELOPED BY THE DEPARTMENT;

(II) BE COMPLETED BY THE PHYSICIAN PERFORMING THE ABORTION OR BY THE HOSPITAL, FACILITY, OR INSTITUTION IN WHICH THE ABORTION WAS PERFORMED;

(III) BE TRANSMITTED ANNUALLY TO THE VITAL STATISTICS ADMINISTRATION IN THE DEPARTMENT WITHIN 15 DAYS AFTER EACH REPORTING YEAR; AND

(IV) INCLUDE THE FOLLOWING INFORMATION:

1. THE COUNTY AND STATE OF RESIDENCE OF THE PATIENT;

2. THE AGE, RACE, AND MARITAL STATUS OF THE PATIENT;

3. THE ESTIMATED GESTATIONAL AGE OF THE FETUS AT THE TIME OF THE ABORTION;

4. THE MONTH DURING WHICH THE ABORTION WAS PERFORMED; AND

5. THE METHOD OF ABORTION USED BY THE PHYSICIAN TO TERMINATE THE PREGNANCY.

(2) THE REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION MAY INCLUDE THE PRIMARY REASON PROVIDED BY THE PATIENT FOR THE ABORTION, INCLUDING:

(I) RAPE;

(II) INCEST;

(III) FINANCIAL HARDSHIP;

(IV) EDUCATIONAL CONCERNS;

(V) LACK OF RESOURCES;

(VI) PHYSICAL OR MENTAL INFIRMITY;

(VII) SERIOUS FETAL DEFORMITY;

(VIII) PRESSURE FROM OTHER INDIVIDUALS;

(IX) ILL-TIMED PREGNANCY; AND

(X) ABANDONMENT BY PARTNER OR FAMILY.

(Over)

(D) THE REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION MAY NOT:

(1) INCLUDE THE NAME OR STREET ADDRESS OF THE PATIENT; OR

(2) INCLUDE ANY IDENTIFIERS THAT COULD BE USED TO IDENTIFY A PATIENT OR THE PHYSICIAN WHO PERFORMED THE ABORTION.

(E) (1) A PHYSICIAN WHO PERFORMS AN ABORTION AND FAILS TO SUBMIT THE REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION IS GUILTY OF UNPROFESSIONAL CONDUCT AND SHALL BE SUBJECT TO DISCIPLINARY ACTION UNDER § 14-404 OF THE HEALTH OCCUPATIONS ARTICLE.

(2) A PHYSICIAN OR AN INDIVIDUAL ACTING ON BEHALF OF A HOSPITAL, A FACILITY, OR AN INSTITUTION WHO DOES NOT SUBMIT THE REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION IS SUBJECT TO AN ADMINISTRATIVE FINE NOT EXCEEDING \$500 FOR EACH VIOLATION.

(F) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.”.