

HOUSE BILL 1251

J3, C4

5lr3170

By: **Delegates Toles, Amprey, Atterbearn, Boaf, Boyce, Hill, D. Jones, J. Long, Pasteur, Patterson, Smith, Taylor, Wells, White Holland, Wilkins, and Williams**

Introduced and read first time: February 7, 2025

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Facilities and Medical Professional Liability Insurers – Obstetric**
3 **Services Policies**
4 **(Doula and Birth Policy Transparency Act)**

5 FOR the purpose of requiring certain health care facilities to adopt and provide evidence to
6 the Maryland Department of Health that the health care facility has a certain policy
7 relating to obstetric services; requiring insurers that issue or deliver medical
8 professional liability insurance policies in the State, on request, to provide the
9 Maryland Department of Health with information regarding the insurer’s policy
10 regarding coverage of obstetric services; and generally relating to obstetric services.

11 BY adding to

12 Article – Health – General
13 Section 19–2601 and 19–2602 to be under the new subtitle “Subtitle 26. Health Care
14 Facility Obstetric Services Policy”
15 Annotated Code of Maryland
16 (2023 Replacement Volume and 2024 Supplement)

17 BY adding to

18 Article – Insurance
19 Section 19–104.1
20 Annotated Code of Maryland
21 (2017 Replacement Volume and 2024 Supplement)

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

24 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **SUBTITLE 26. HEALTH CARE FACILITY OBSTETRIC SERVICES POLICY.**

2 **19-2601.**

3 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
4 **INDICATED.**

5 **(B) “FREESTANDING AMBULATORY CARE FACILITY” HAS THE MEANING**
6 **STATED IN § 19-3B-01 OF THIS TITLE.**

7 **(C) “HEALTH CARE FACILITY” MEANS A HOSPITAL OR FREESTANDING**
8 **AMBULATORY CARE FACILITY THAT PROVIDES OBSTETRIC CARE.**

9 **(D) “HOSPITAL” HAS THE MEANING STATED IN § 19-301 OF THIS TITLE.**

10 **19-2602.**

11 **(A) A HEALTH CARE FACILITY SHALL ADOPT AND PROVIDE EVIDENCE TO**
12 **THE DEPARTMENT THAT THE HEALTH CARE FACILITY HAS A POLICY THAT:**

13 **(1) ALLOWS EVERY BIRTHING PARENT TO HAVE A CERTIFIED DOULA,**
14 **AS DEFINED IN § 15-141.4 OF THIS ARTICLE, PRESENT DURING BIRTH, IN ADDITION**
15 **TO ANY AUTHORIZED GUESTS;**

16 **(2) PRIORITIZES NEWBORN BONDING WITH THE FAMILY OF THE**
17 **NEWBORN;**

18 **(3) PROHIBITS THE HEALTH CARE FACILITY FROM USING**
19 **SIGNIFICANT MEDICAL INTERVENTION IN THE BIRTHING PROCESS WITHOUT THE**
20 **INFORMED CONSENT OF THE BIRTHING PARENT, INCLUDING:**

21 **(I) THE ADMINISTRATION OF A MEDICATION THAT WILL**
22 **INDUCE LABOR;**

23 **(II) A CESAREAN SECTION; AND**

24 **(III) USE OF FORCEPS;**

25 **(4) DETAILS THE HEALTH CARE FACILITY’S PROCESS FOR RECEIVING**
26 **A BIRTHING PARENT’S MEDICAL INFORMATION FROM A HEALTH CARE PROVIDER**
27 **REGULATED UNDER TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE WHO HAS**
28 **PROVIDED SERVICES TO THE BIRTHING PERSON; AND**

1 **(5) ESTABLISHES A PROCESS TO TRANSFER AND RECEIVE PREGNANT**
2 **PERSONS ACROSS THE HEALTH CARE FACILITY'S LEVELS OF CARE WITHIN THE**
3 **FACILITY'S CAPACITY AND CAPABILITY.**

4 **(B) THE PROCESS DETAILED IN THE POLICY REQUIRED UNDER SUBSECTION**
5 **(A)(4) OF THIS SECTION SHALL INCLUDE A PROCESS FOR TRANSFERRING MEDICAL**
6 **RECORDS WHEN THE BIRTHING PARENT WAS RECEIVING SERVICES FROM THE**
7 **HEALTH CARE PROVIDER IN A HOME BIRTH SETTING.**

8 **(C) A HEALTH CARE FACILITY SHALL PROVIDE EVIDENCE TO THE**
9 **DEPARTMENT THAT THE HEALTH CARE FACILITY HAS ADOPTED A POLICY UNDER**
10 **SUBSECTION (A) OF THIS SECTION:**

11 **(1) (I) ON OR BEFORE JANUARY 1, 2026; OR**

12 **(II) IF THE HEALTH CARE FACILITY IS ESTABLISHED AFTER**
13 **JANUARY 1, 2026, ON THE ESTABLISHMENT OF THE HEALTH CARE FACILITY; AND**

14 **(2) WHENEVER THE POLICY IS UPDATED.**

15 **(D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
16 **SECTION, INCLUDING REGULATIONS THAT ESTABLISH THE FORM AND MANNER IN**
17 **WHICH A HEALTH CARE FACILITY MAY PROVE TO THE DEPARTMENT THAT THE**
18 **HEALTH CARE FACILITY HAS ADOPTED A POLICY IN COMPLIANCE WITH THIS**
19 **SECTION.**

20 **Article – Insurance**

21 **19-104.1.**

22 **ON REQUEST, AN INSURER THAT ISSUES OR DELIVERS MEDICAL**
23 **PROFESSIONAL LIABILITY INSURANCE POLICIES IN THE STATE SHALL PROVIDE THE**
24 **MARYLAND DEPARTMENT OF HEALTH WITH INFORMATION REGARDING THE**
25 **INSURER'S POLICY RELATED TO COVERAGE OF OBSTETRIC SERVICES, INCLUDING**
26 **COVERAGE FOR A VAGINAL BIRTH AFTER CESAREAN.**

27 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
28 **October 1, 2025.**