

# SENATE BILL 1029

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5lr3539

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By: **Senators Attar, McCray, Lam, Muse, and Augustine**

Introduced and read first time: February 8, 2025

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – Interpretation of Wills – Extrinsic Evidence of Intent**  
3 **(Granny’s Law)**

4 FOR the purpose of authorizing, under certain circumstances, a personal representative to  
5 petition the orphans’ court to interpret a decedent’s will in accordance with the  
6 decedent’s intent as demonstrated by certain extrinsic evidence; establishing a  
7 certain rebuttable presumption as to a decedent’s intent; authorizing the personal  
8 representative to require a certain legatee to demonstrate the use of a legacy under  
9 the decedent’s will; authorizing the personal representative to petition the court to  
10 issue a certain order or judgment regarding the legacy; applying certain provisions  
11 of this Act retroactively to wills probated on or after a certain date; and generally  
12 relating to the interpretation of provisions of wills and extrinsic evidence.

13 BY repealing and reenacting, with amendments,  
14 Article – Estates and Trusts  
15 Section 7–402  
16 Annotated Code of Maryland  
17 (2022 Replacement Volume and 2024 Supplement)

18 BY adding to  
19 Article – Health – General  
20 Section 1–102  
21 Annotated Code of Maryland  
22 (2023 Replacement Volume and 2024 Supplement)

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

25 **Article – Estates and Trusts**

26 7–402.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) The personal representative may petition the court for permission to  
2 act in any matter relating to the administration of the estate.

3 (2) (I) 1. THE PERSONAL REPRESENTATIVE MAY PETITION THE  
4 COURT TO INTERPRET A WILL IN ACCORDANCE WITH THE INTENT OF THE DECEDENT  
5 IF:

6 A. THE WILL CONTAINS A LEGACY FOR A HEALTH  
7 PROVIDER OR CHARITABLE ORGANIZATION IN THE HEALTH SECTOR; AND

8 B. THE WILL DOES NOT EXPRESSLY PROVIDE THAT THE  
9 LEGACY MUST BE USED TO ADDRESS HEALTH EQUITY ISSUES EVEN THOUGH THE  
10 DECEDENT'S LIFE REFLECTED AN ACTIVE INTEREST IN HEALTH EQUITY ISSUES.

11 2. A PERSONAL REPRESENTATIVE WHO PETITIONS A  
12 COURT UNDER THIS PARAGRAPH SHALL PRESENT EVIDENCE SATISFACTORY TO THE  
13 COURT, INCLUDING EVIDENCE OF ACTIONS TAKEN BY THE DECEDENT DURING THE  
14 DECEDENT'S LIFETIME, TO DEMONSTRATE THE INTENT OF THE DECEDENT UNDER  
15 THIS SUBPARAGRAPH THAT THE LEGACY TO THE HEALTH PROVIDER OR  
16 CHARITABLE ORGANIZATION IN THE HEALTH SECTOR MUST BE USED TO ADDRESS  
17 HEALTH EQUITY ISSUES.

18 (II) A PERSONAL REPRESENTATIVE'S PRESENTATION OF  
19 EVIDENCE IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL  
20 CREATE A REBUTTABLE PRESUMPTION AS TO THE INTENT OF THE DECEDENT AND  
21 UNLESS EVIDENCE IS PRESENTED TO REBUT THE PRESUMPTION, THE COURT SHALL  
22 INTERPRET THE WILL IN ACCORDANCE WITH THE INTENT OF THE DECEDENT.

23 (III) 1. FOR THE PERIOD BEGINNING 6 MONTHS AFTER THE  
24 PROBATE OF THE ESTATE AND ENDING 3 YEARS AFTER THE PROBATE OF THE  
25 ESTATE, A PERSONAL REPRESENTATIVE WHO PETITIONS THE COURT UNDER  
26 SUBPARAGRAPH (I)1 OF THIS PARAGRAPH MAY REQUIRE A LEGATEE DESCRIBED  
27 UNDER SUBPARAGRAPH (I)1A OF THIS PARAGRAPH TO DEMONSTRATE HOW THE  
28 LEGACY WAS USED BY THE LEGATEE.

29 2. IF THE LEGATEE FAILS TO DEMONSTRATE THAT THE  
30 LEGACY WAS USED IN ACCORDANCE WITH THE INTERPRETATION OF THE WILL  
31 UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE PERSONAL REPRESENTATIVE  
32 MAY PETITION THE COURT TO ISSUE:

33 A. AN ORDER REQUIRING THE BENEFICIARY TO RETURN  
34 THE LEGACY TO THE ESTATE; OR

1                   **B.     A JUDGMENT REQUIRING THE LEGATEE TO PAY THE**  
2 **ESTATE THE VALUE OF THE LEGACY.**

3           (b)     The court may pass any order it considers proper.

4           SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
5 as follows:

6                                   **Article – Health – General**

7 **1–102.**

8           **IT IS THE POLICY OF THE STATE TO OPPOSE AND ALLEVIATE ANY DISPARITY**  
9 **IN HEALTH OUTCOMES FOR AND AMONG RACIAL GROUPS IN THE STATE RESULTING**  
10 **FROM THE PROVISION OF TREATMENT OTHERWISE AVAILABLE TO ASSIST THE**  
11 **PUBLIC IN GENERAL, AND TO ENCOURAGE AND SUPPORT THE MAKING OF GIFTS AND**  
12 **BEQUESTS CONSISTENT WITH THIS POLICY TO ADDRESS AND ALLEVIATE SUCH**  
13 **HEALTH DISPARITIES.**

14           SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be  
15 construed to apply retroactively and shall be applied to and interpreted to affect any will  
16 probated on or after October 1, 2021.

17           SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2025.