

# HOUSE BILL 49

J1  
HB 108/25 – HGO

(PRE-FILED)

6lr1189

By: **Delegate Metzgar**

Requested: October 14, 2025

Introduced and read first time: January 14, 2026

Assigned to: Health

## A BILL ENTITLED

1 AN ACT concerning

### 2 **Public Health – Abortion** 3 **(Heartbeat Bill)**

4 FOR the purpose of requiring that an abortion be performed by a physician, rather than a  
5 qualified provider; repealing certain provisions of law related to State interference  
6 with an abortion, regulations related to abortion, and liability or criminal  
7 punishment for qualified providers who perform an abortion; prohibiting a physician  
8 from knowingly performing, inducing, or attempting to perform or induce an abortion  
9 under certain circumstances and subject to certain exceptions; establishing  
10 requirements for performing or inducing an abortion on a pregnant woman; requiring  
11 that certain requirements relating to the performance or inducement of  
12 abortions be enforced exclusively through private civil actions; authorizing any  
13 person, other than an officer or employee of the State or a local governmental entity  
14 in the State, to bring certain civil actions; providing for sovereign, governmental, and  
15 official immunity under certain circumstances; and generally relating to abortions.

16 BY repealing

17 Article – Health – General

18 The part designation “Part II. Abortion Procedures” immediately preceding Section  
19 20–207; Section 20–209; the part designation “Part III. Information”  
20 immediately preceding Section 20–211; and the part designation “Part IV.  
21 Effect of Refusal to Participate or Refer” immediately preceding Section  
22 20–214

23 Annotated Code of Maryland

24 (2023 Replacement Volume and 2025 Supplement)

25 BY adding to

26 Article – Health – General

27 Section 20–202 and 20–204 through 20–212

28 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2023 Replacement Volume and 2025 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article – Health – General

4 Section 20–207, 20–208, and 20–214

5 Annotated Code of Maryland

6 (2023 Replacement Volume and 2025 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

8 That the part designation “Part II. Abortion Procedures” immediately preceding Section

9 20–207; the part designation “Part III. Information” immediately preceding Section

10 20–211; and the part designation “Part IV. Effect of Refusal to Participate or Refer”

11 immediately preceding Section 20–214 of Article – Health – General of the Annotated Code

12 of Maryland be repealed.

13 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read

14 as follows:

15 **Article – Health – General**

16 **[20–207.] 20–201.**

17 (A) In [Part II of] this subtitle[, “qualified provider”] **THE FOLLOWING WORDS**

18 **HAVE THE MEANINGS INDICATED.**

19 (B) **“FETAL HEARTBEAT” MEANS CARDIAC ACTIVITY OR THE STEADY AND**

20 **REPETITIVE RHYTHMIC CONTRACTION OF THE FETAL HEART WITHIN THE**

21 **GESTATIONAL SAC.**

22 (C) **“GESTATIONAL AGE” MEANS THE AMOUNT OF TIME THAT HAS ELAPSED**

23 **FROM THE FIRST DAY OF THE PREGNANT WOMAN’S LAST MENSTRUAL PERIOD.**

24 (D) **“GESTATIONAL SAC” MEANS THE STRUCTURE THAT COMPRISES THE**

25 **EXTRAEMBRYONIC MEMBRANES THAT ENVELOP A BABY AND THAT IS TYPICALLY**

26 **VISIBLE BY ULTRASOUND AFTER THE FOURTH WEEK OF PREGNANCY.**

27 (E) **“PHYSICIAN” means an individual[:**

28 (1) **Who] WHO is licensed[, certified, or otherwise authorized by law] to**

29 **practice MEDICINE in the State[; and**

30 (2) **For whom the performance of an abortion is within the scope of the**

31 **individual’s license or certification] UNDER TITLE 14 OF THE HEALTH OCCUPATIONS**

32 **ARTICLE.**

1 (F) "PREGNANCY" MEANS THE HUMAN FEMALE REPRODUCTIVE CONDITION  
2 THAT:

### 3 (1) BEGINS WITH FERTILIZATION;

4 (2) OCCURS WHEN THE WOMAN IS CARRYING THE DEVELOPING BABY;  
5 AND

6 (3) IS CALCULATED FROM THE FIRST DAY OF THE WOMAN'S LAST  
7 MENSTRUAL PERIOD.

8 (G) "STANDARD MEDICAL PRACTICE" MEANS THE DEGREE OF SKILL, CARE,  
9 AND DILIGENCE THAT AN OBSTETRICIAN OF ORDINARY JUDGMENT, LEARNING, AND  
10 SKILL WOULD EMPLOY IN SIMILAR CIRCUMSTANCES.

11 20-202.

12 THE GENERAL ASSEMBLY FINDS, ACCORDING TO CONTEMPORARY MEDICAL  
13 RESEARCH, THAT:

14 (1) FETAL HEARTBEAT HAS BECOME A KEY MEDICAL PREDICTOR  
15 THAT A BABY WILL REACH LIVE BIRTH;

22 (4) TO MAKE AN INFORMED CHOICE ABOUT WHETHER TO CONTINUE  
23 HER PREGNANCY, THE PREGNANT WOMAN HAS A COMPELLING INTEREST IN  
24 KNOWING THE LIKELIHOOD OF HER BABY SURVIVING TO FULL-TERM BIRTH BASED  
25 ON THE PRESENCE OF CARDIAC ACTIVITY.

26 [20-208.] 20-203.

27 An abortion must be performed by a [qualified provider] **PHYSICIAN**.

28 20-204.

(A) FOR THE PURPOSES OF DETERMINING THE PRESENCE OF A FETAL  
HEARTBEAT UNDER THIS SECTION, "STANDARD MEDICAL PRACTICE" INCLUDES

1 EMPLOYING THE APPROPRIATE MEANS OF DETECTING A HEARTBEAT BASED ON THE  
2 ESTIMATED GESTATIONAL AGE OF THE BABY AND THE CONDITION OF THE WOMAN  
3 AND HER PREGNANCY.

4 (B) EXCEPT AS PROVIDED IN SUBSECTIONS (D) AND (E) OF THIS SECTION, A  
5 PHYSICIAN MAY NOT KNOWINGLY PERFORM OR INDUCE OR ATTEMPT TO PERFORM  
6 OR INDUCE AN ABORTION ON A PREGNANT WOMAN:

7 (1) BEFORE A PHYSICIAN DETERMINES IN ACCORDANCE WITH  
8 SUBSECTION (C) OF THIS SECTION WHETHER THE BABY HAS A DETECTABLE  
9 HEARTBEAT; AND

10 (2) IF THE PHYSICIAN DETERMINES THAT THE BABY HAS A  
11 DETECTABLE HEARTBEAT.

12 (C) (1) TO DETERMINE WHETHER A BABY HAS A DETECTABLE  
13 HEARTBEAT, A PHYSICIAN SHALL USE A TEST THAT IS:

14 (I) CONSISTENT WITH THE PHYSICIAN'S GOOD FAITH AND  
15 REASONABLE UNDERSTANDING OF STANDARD MEDICAL PRACTICE; AND

16 (II) APPROPRIATE FOR THE ESTIMATED GESTATIONAL AGE OF  
17 THE BABY AND THE CONDITION OF THE PREGNANT WOMAN AND HER PREGNANCY.

18 (2) A PHYSICIAN MAKING A DETERMINATION UNDER PARAGRAPH (1)  
19 OF THIS SUBSECTION SHALL RECORD IN THE PREGNANT WOMAN'S MEDICAL  
20 RECORD:

21 (I) THE ESTIMATED GESTATIONAL AGE OF THE BABY;

22 (II) THE METHOD USED TO ESTIMATE THE GESTATIONAL AGE;  
23 AND

24 (III) THE TEST USED FOR DETECTING A FETAL HEARTBEAT,  
25 INCLUDING THE DATE, TIME, AND RESULTS OF THE TEST.

26 (D) SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO A PHYSICIAN  
27 WHO PERFORMS OR INDUCES AN ABORTION IF THE PHYSICIAN:

28 (1) BELIEVES THAT A MEDICAL EMERGENCY EXISTS THAT PREVENTS  
29 COMPLIANCE WITH SUBSECTION (B) OF THIS SECTION; AND

30 (2) COMPLIES WITH THE REQUIREMENTS OF § 20-205 OF THIS

1 SUBTITLE.

2 (E) A PHYSICIAN IS NOT IN VIOLATION OF SUBSECTION (B) OF THIS SECTION  
3 IF:

4 (1) THE PHYSICIAN COMPLIES WITH SUBSECTION (C) OF THIS  
5 SECTION; AND

6 (2) THE METHOD USED TO TEST FOR THE PRESENCE OF A FETAL  
7 HEARTBEAT DOES NOT DETECT A HEARTBEAT.

8 (F) THIS SECTION MAY NOT BE CONSTRUED TO:

9 (1) CREATE OR RECOGNIZE A RIGHT TO ABORTION BEFORE A FETAL  
10 HEARTBEAT IS DETECTED;

11 (2) AUTHORIZE THE INITIATION OF A CAUSE OF ACTION AGAINST OR  
12 THE PROSECUTION OF A WOMAN ON WHOM AN ABORTION IS PERFORMED OR  
13 INDUCED OR ATTEMPTED TO BE PERFORMED OR INDUCED IN VIOLATION OF THIS  
14 SECTION;

15 (3) WHOLLY OR PARTLY REPEAL, EITHER EXPRESSLY OR BY  
16 IMPLICATION, ANY OTHER STATUTE THAT REGULATES OR PROHIBITS ABORTION; OR

17 (4) RESTRICT A POLITICAL SUBDIVISION FROM REGULATING OR  
18 PROHIBITING ABORTION IN A MANNER THAT IS AT LEAST AS STRINGENT AS THE  
19 LAWS OF THE STATE.

20 20-205.

21 (A) IF AN ABORTION IS PERFORMED OR INDUCED ON A PREGNANT WOMAN  
22 BECAUSE OF A MEDICAL EMERGENCY, THE PHYSICIAN WHO PERFORMS OR INDUCES  
23 THE ABORTION SHALL EXECUTE A WRITTEN DOCUMENT THAT:

24 (1) CERTIFIES THE ABORTION IS NECESSARY DUE TO A MEDICAL  
25 EMERGENCY; AND

26 (2) SPECIFIES THE WOMAN'S MEDICAL CONDITION REQUIRING THE  
27 ABORTION.

28 (B) A PHYSICIAN SHALL:

29 (1) INCLUDE THE DOCUMENT EXECUTED UNDER SUBSECTION (A) OF

1 THIS SECTION IN THE PREGNANT WOMAN'S MEDICAL RECORD; AND

2 (2) MAINTAIN A COPY OF THE DOCUMENT IN THE PHYSICIAN'S  
3 PRACTICE RECORDS.

4 (C) A PHYSICIAN WHO PERFORMS OR INDUCES AN ABORTION ON A  
5 PREGNANT WOMAN SHALL:

6 (1) IF THE ABORTION IS PERFORMED OR INDUCED TO PRESERVE THE  
7 HEALTH OF THE PREGNANT WOMAN, EXECUTE A WRITTEN DOCUMENT THAT:

8 (I) SPECIFIES THE MEDICAL CONDITION THE ABORTION IS  
9 ASSERTED TO ADDRESS; AND

10 (II) PROVIDES THE MEDICAL RATIONALE FOR THE PHYSICIAN'S  
11 CONCLUSION THAT THE ABORTION IS NECESSARY TO ADDRESS THE MEDICAL  
12 CONDITION; OR

13 (2) FOR AN ABORTION OTHER THAN AN ABORTION DESCRIBED IN  
14 ITEM (1) OF THIS SUBSECTION, SPECIFY IN A WRITTEN DOCUMENT THAT MATERNAL  
15 HEALTH IS NOT A PURPOSE OF THE ABORTION.

16 (D) THE PHYSICIAN SHALL MAINTAIN A COPY OF A DOCUMENT EXECUTED  
17 UNDER SUBSECTION (C) OF THIS SECTION IN THE PHYSICIAN'S PRACTICE RECORDS.

18 20-206.

19 (A) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
20 REQUIREMENTS OF §§ 20-204 AND 20-205 OF THIS SUBTITLE SHALL BE ENFORCED  
21 EXCLUSIVELY THROUGH THE PRIVATE CIVIL ACTIONS ESTABLISHED IN § 20-207 OF  
22 THIS SUBTITLE.

23 (2) ENFORCEMENT OF § 20-204 OR § 20-205 OF THIS SUBTITLE MAY  
24 NOT BE TAKEN OR THREATENED BY THE STATE, A POLITICAL SUBDIVISION OF THE  
25 STATE, A STATE'S ATTORNEY, OR AN EXECUTIVE OR ADMINISTRATIVE OFFICER OR  
26 EMPLOYEE OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE AGAINST  
27 ANY PERSON, EXCEPT AS PROVIDED IN § 20-207 OF THIS SUBTITLE.

28 (B) SUBSECTION (A) OF THIS SECTION MAY NOT BE CONSTRUED TO:

29 (1) LEGALIZE THE CONDUCT PROHIBITED BY THIS SUBTITLE;

30 (2) LIMIT IN ANY WAY OR AFFECT THE AVAILABILITY OF A REMEDY

1 ESTABLISHED BY § 20–207 OF THIS SUBTITLE; OR

2 (3) LIMIT THE ENFORCEABILITY OF ANY OTHER LAWS THAT  
3 REGULATE OR PROHIBIT ABORTION.

4 **20–207.**

5 (A) ANY PERSON, OTHER THAN AN OFFICER OR EMPLOYEE OF THE STATE  
6 OR A LOCAL GOVERNMENTAL ENTITY IN THE STATE, MAY BRING A CIVIL ACTION  
7 AGAINST ANY PERSON WHO:

8 (1) PERFORMS OR INDUCES AN ABORTION IN VIOLATION OF § 20–204  
9 OR § 20–205 OF THIS SUBTITLE;

10 (2) KNOWINGLY ENGAGES IN CONDUCT THAT AIDS OR ABETS THE  
11 PERFORMANCE OR INDUCEMENT OF AN ABORTION, INCLUDING PAYING FOR OR  
12 REIMBURSING THE COSTS OF AN ABORTION THROUGH INSURANCE OR OTHERWISE,  
13 IF THE ABORTION IS PERFORMED OR INDUCED IN VIOLATION OF § 20–204 OR §  
14 20–205 OF THIS SUBTITLE, REGARDLESS OF WHETHER THE PERSON KNEW OR  
15 SHOULD HAVE KNOWN THAT THE ABORTION WOULD BE PERFORMED OR INDUCED IN  
16 VIOLATION OF § 20–204 OR § 20–205 OF THIS SUBTITLE; OR

17 (3) INTENDS TO ENGAGE IN THE CONDUCT DESCRIBED IN ITEM (1) OR  
18 (2) OF THIS SUBSECTION.

19 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF A  
20 CLAIMANT PREVAILS IN AN ACTION BROUGHT UNDER THIS SECTION, THE COURT  
21 SHALL AWARD:

22 (1) INJUNCTIVE RELIEF SUFFICIENT TO PREVENT THE DEFENDANT  
23 FROM VIOLATING § 20–204 OR § 20–205 OF THIS SUBTITLE OR ENGAGING IN ACTS  
24 THAT AID OR ABET VIOLATIONS OF § 20–204 OR § 20–205 OF THIS SUBTITLE;

25 (2) STATUTORY DAMAGES IN AN AMOUNT OF NOT LESS THAN \$10,000  
26 FOR EACH ABORTION THAT THE DEFENDANT PERFORMED OR INDUCED IN  
27 VIOLATION OF § 20–204 OR § 20–205 OF THIS SUBTITLE, AND FOR EACH ABORTION  
28 PERFORMED OR INDUCED IN VIOLATION OF § 20–204 OR § 20–205 OF THIS SUBTITLE  
29 THAT THE DEFENDANT AIDED OR ABETTED; AND

30 (3) COSTS AND ATTORNEY'S FEES.

31 (C) A COURT MAY NOT AWARD RELIEF UNDER THIS SECTION IN RESPONSE  
32 TO A CIVIL ACTION BROUGHT UNDER SUBSECTION (A)(1) OR (2) OF THIS SECTION IF

1 THE DEFENDANT DEMONSTRATES THAT THE DEFENDANT PREVIOUSLY PAID THE  
2 FULL AMOUNT OF STATUTORY DAMAGES UNDER SUBSECTION (B)(2) OF THIS  
3 SECTION IN A PREVIOUS ACTION FOR:

4 (1) THE PARTICULAR ABORTION PERFORMED OR INDUCED IN  
5 VIOLATION OF § 20-204 OR § 20-205 OF THIS SUBTITLE; OR

6 (2) THE PARTICULAR CONDUCT THAT AIDED OR ABETTED AN  
7 ABORTION PERFORMED OR INDUCED IN VIOLATION OF § 20-204 OR § 20-205 OF  
8 THIS SUBTITLE.

9 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PERSON MAY  
10 NOT BRING AN ACTION UNDER THIS SECTION AFTER 4 YEARS AFTER THE DATE THE  
11 CAUSE OF ACTION AROSE.

12 (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE FOLLOWING  
13 ARE NOT A DEFENSE TO AN ACTION BROUGHT UNDER THIS SECTION:

14 (1) IGNORANCE OR MISTAKE OF LAW;

15 (2) A DEFENDANT'S BELIEF THAT THE REQUIREMENTS OF THIS  
16 SUBTITLE ARE UNCONSTITUTIONAL;

17 (3) A DEFENDANT'S RELIANCE ON ANY COURT DECISION THAT HAS  
18 BEEN OVERRULED ON APPEAL OR BY A SUBSEQUENT COURT, EVEN IF THAT COURT  
19 DECISION HAD NOT BEEN OVERRULED WHEN THE DEFENDANT ENGAGED IN  
20 CONDUCT THAT VIOLATES § 20-204 OR § 20-205 OF THIS SUBTITLE;

21 (4) A DEFENDANT'S RELIANCE ON ANY FEDERAL OR STATE COURT  
22 DECISION THAT IS NOT BINDING ON THE COURT IN WHICH THE ACTION HAS BEEN  
23 BROUGHT;

24 (5) NONMUTUAL ISSUE PRECLUSION OR NONMUTUAL CLAIM  
25 PRECLUSION;

26 (6) THE CONSENT OF THE BABY'S MOTHER TO THE ABORTION; OR

27 (7) ANY CLAIM THAT THE ENFORCEMENT OF THIS SUBTITLE OR THE  
28 IMPOSITION OF CIVIL LIABILITY AGAINST THE DEFENDANT WILL VIOLATE THE  
29 CONSTITUTIONAL RIGHTS OF THIRD PARTIES, EXCEPT AS PROVIDED BY § 20-208 OF  
30 THIS SUBTITLE.

31 (F) IT IS AN AFFIRMATIVE DEFENSE TO AN ACTION BROUGHT UNDER THIS

## 1 SECTION IF:

2                   (1) A PERSON SUED UNDER SUBSECTION (A)(2) OF THIS SECTION  
3 REASONABLY BELIEVED, AFTER CONDUCTING A REASONABLE INVESTIGATION,  
4 THAT THE PHYSICIAN PERFORMING OR INDUCING THE ABORTION HAD COMPLIED  
5 OR WOULD COMPLY WITH § 20-204 OR § 20-205 OF THIS SUBTITLE; OR

6                   (2) A PERSON SUED UNDER SUBSECTION (A)(3) OF THIS SECTION  
7 REASONABLY BELIEVED, AFTER CONDUCTING A REASONABLE INVESTIGATION,  
8 THAT THE PHYSICIAN PERFORMING OR INDUCING THE ABORTION WOULD COMPLY  
9 WITH § 20-204 OR § 20-205 OF THIS SUBTITLE.

10               (G) THE DEFENDANT HAS THE BURDEN OF PROVING AN AFFIRMATIVE  
11 DEFENSE UNDER SUBSECTION (F) OF THIS SECTION BY A PREPONDERANCE OF THE  
12 EVIDENCE.

13               (H) THIS SECTION MAY NOT BE CONSTRUED TO IMPOSE LIABILITY ON ANY  
14 SPEECH OR CONDUCT PROTECTED BY THE FIRST AMENDMENT OF THE U.S.  
15 CONSTITUTION, AS MADE APPLICABLE TO THE STATES THROUGH THE U.S.  
16 SUPREME COURT'S INTERPRETATION OF THE FOURTEENTH AMENDMENT OF THE  
17 U.S. CONSTITUTION, OR BY ARTICLE 40 OF THE MARYLAND DECLARATION OF  
18 RIGHTS.

19               (I) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE STATE,  
20 A STATE OFFICIAL, OR A STATE'S ATTORNEY MAY NOT INTERVENE IN AN ACTION  
21 BROUGHT UNDER THIS SECTION.

22               (2) THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT A  
23 PERSON FROM FILING AN AMICUS CURIAE BRIEF IN AN ACTION.

24               (J) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A COURT MAY NOT  
25 AWARD COSTS OR ATTORNEY'S FEES UNDER THE MARYLAND RULES OF CIVIL  
26 PROCEDURE OR ANY OTHER RULE ADOPTED BY THE SUPREME COURT OF  
27 MARYLAND TO A DEFENDANT IN AN ACTION BROUGHT UNDER THIS SECTION.

28               (K) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A CIVIL ACTION  
29 UNDER THIS SECTION MAY NOT BE BROUGHT BY AN INDIVIDUAL WHO IMPREGNATED  
30 THE ABORTION PATIENT THROUGH AN ACT OF RAPE, SEXUAL ASSAULT, INCEST, OR  
31 ANY OTHER ACT PROHIBITED BY LAW.

32               (L) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A CIVIL ACTION  
33 BROUGHT UNDER THIS SECTION SHALL BE BROUGHT IN:

7 (4) THE COUNTY OF RESIDENCE FOR THE CLAIMANT IF THE  
8 CLAIMANT IS AN INDIVIDUAL RESIDING IN THE STATE.

9                   (M) IF A CIVIL ACTION IS BROUGHT UNDER THIS SECTION IN ANY ONE OF  
10 THE VENUES DESCRIBED IN SUBSECTION (L) OF THIS SECTION, THE ACTION MAY  
11 NOT BE TRANSFERRED TO A DIFFERENT VENUE WITHOUT THE WRITTEN CONSENT  
12 OF ALL PARTIES.

13 20-208.

31 [20-209]

1       (a) In this section, "viable" means that stage when, in the best clinical judgment  
2 of the qualified provider based on the particular facts of the case before the qualified  
3 provider, there is a reasonable likelihood of the fetus's sustained survival outside the womb.

4 (b) Except as otherwise provided in this subtitle, the State may not interfere with  
5 the decision of a woman to terminate a pregnancy:

6 (1) Before the fetus is viable; or

7 (2) At any time during the woman's pregnancy, if:

10 (ii) The fetus is affected by genetic defect or serious deformity or  
11 abnormality.

12 (c) The Department may adopt regulations that:

13 (1) Are both necessary and the least intrusive method to protect the life or  
14 health of the woman; and

15 (2) Are not inconsistent with established clinical practice.

16       (d) The qualified provider is not liable for civil damages or subject to a criminal  
17 penalty for a decision to perform an abortion under this section made in good faith and in  
18 the qualified provider's best clinical judgment in accordance with accepted standards of  
19 clinical practice.]

20 20-209.

21 (A) A PERSON MAY NOT PERFORM OR INDUCE AN ABORTION ON A  
22 PREGNANT WOMAN IN THE STATE UNLESS THE ABORTION IS VOLUNTARY AND  
23 INFORMED.

**(B) CONSENT TO AN ABORTION IS VOLUNTARY AND INFORMED ONLY IF:**

28 (I) THE PHYSICIAN'S NAME:

## 1 MEDICALLY ACCURATE:

2                   1. THE RISKS OF INFECTION AND HEMORRHAGE;

3                   2. THE POTENTIAL DANGER TO A SUBSEQUENT  
4 PREGNANCY AND OF INFERTILITY; AND5                   3. THE POSSIBILITY OF INCREASED RISK OF BREAST  
6 CANCER FOLLOWING AN INDUCED ABORTION AND THE NATURAL PROTECTIVE  
7 EFFECT OF A COMPLETED PREGNANCY IN AVOIDING BREAST CANCER;8                   (III) THE PROBABLE GESTATIONAL AGE OF THE BABY AT THE  
9 TIME THE ABORTION IS TO BE PERFORMED OR INDUCED; AND10                   (IV) THE MEDICAL RISKS ASSOCIATED WITH CARRYING THE  
11 CHILD TO TERM;12                   (2) THE PHYSICIAN WHO IS TO PERFORM OR INDUCE THE ABORTION  
13 OR THE PHYSICIAN'S AGENT INFORMS THE PREGNANT WOMAN THAT:14                   (I) MEDICAL ASSISTANCE BENEFITS MAY BE AVAILABLE FOR  
15 PRENATAL CARE, CHILDBIRTH, AND NEONATAL CARE;16                   (II) THE FATHER IS LIABLE FOR ASSISTANCE IN THE SUPPORT  
17 OF THE CHILD WITHOUT REGARD TO WHETHER THE FATHER HAS OFFERED TO PAY  
18 FOR THE ABORTION; AND19                   (III) PUBLIC AND PRIVATE AGENCIES PROVIDE PREGNANCY  
20 PREVENTION COUNSELING AND MEDICAL REFERRALS FOR OBTAINING PREGNANCY  
21 PREVENTION MEDICATIONS OR DEVICES, INCLUDING EMERGENCY CONTRACEPTION  
22 FOR VICTIMS OF RAPE OR INCEST;23                   (3) THE PHYSICIAN WHO IS TO PERFORM OR INDUCE THE ABORTION  
24 OR THE PHYSICIAN'S AGENT:25                   (I) PROVIDES THE PREGNANT WOMAN WITH PRINTED  
26 MATERIALS THAT DESCRIBE THE BABY AND LIST AGENCIES THAT OFFER  
27 ALTERNATIVES TO ABORTION OR SONOGRAM SERVICES AT NO COST TO THE  
28 PREGNANT WOMAN; AND

29                   (II) INFORMS THE PREGNANT WOMAN THAT THOSE MATERIALS:

30                   1. HAVE BEEN PROVIDED BY THE DEPARTMENT;

**2. ARE ACCESSIBLE ON A WEBSITE SPONSORED BY THE**

**3. DESCRIBE THE BABY AND LIST AGENCIES THAT  
TO ABORTION; AND**

## 6 “ABORTION AND SONOGRAM ELECTION

(1) THE INFORMATION AND PRINTED MATERIALS UNDER § 20-209(B)(3) OF THE HEALTH – GENERAL ARTICLE HAVE BEEN PROVIDED AND EXPLAINED TO ME.

**9 (2) I UNDERSTAND THE NATURE AND CONSEQUENCES OF AN ABORTION.**

10 (3) MARYLAND LAW REQUIRES THAT I RECEIVE A SONOGRAM PRIOR TO  
11 RECEIVING AN ABORTION.

12 (4) I UNDERSTAND THAT I HAVE THE OPTION TO VIEW THE SONOGRAM  
13 IMAGES.

14 (5) I UNDERSTAND THAT I HAVE THE OPTION TO HEAR THE HEARTBEAT.

15 (6) I UNDERSTAND THAT I AM REQUIRED BY LAW TO HEAR AN EXPLANATION  
16 OF THE SONOGRAM IMAGES UNLESS I CERTIFY IN WRITING ONE OF THE FOLLOWING:

17                I AM PREGNANT AS A RESULT OF SEXUAL ASSAULT, INCEST, OR  
18 OTHER VIOLATIONS OF THE MARYLAND PENAL CODE THAT HAVE BEEN REPORTED  
19 TO LAW ENFORCEMENT AUTHORITIES OR THAT HAVE NOT BEEN REPORTED  
20 BECAUSE I REASONABLY BELIEVE THAT DOING SO WOULD PUT ME AT RISK OF  
21 RETALIATION RESULTING IN SERIOUS BODILY INJURY.

22                        I AM A MINOR AND OBTAINING AN ABORTION IN ACCORDANCE  
23 WITH § 20-103 OF THE HEALTH – GENERAL ARTICLE.

24                           MY BABY HAS AN IRREVERSIBLE MEDICAL CONDITION OR  
25 ABNORMALITY, AS IDENTIFIED BY RELIABLE DIAGNOSTIC PROCEDURES AND  
26 DOCUMENTED IN MY MEDICAL FILE.

27 (7) I AM MAKING THIS ELECTION OF MY OWN FREE WILL AND WITHOUT  
28 COERCION.

29 (8) FOR A WOMAN WHO LIVES 100 MILES OR MORE FROM THE NEAREST  
30 ABORTION PROVIDER THAT IS A FACILITY THAT PERFORMS MORE THAN 50

## 1 ABORTIONS IN ANY 12-MONTH PERIOD:

2                   I CERTIFY THAT, BECAUSE I CURRENTLY LIVE 100 MILES OR  
3 MORE FROM THE NEAREST ABORTION PROVIDER THAT IS A FACILITY THAT  
4 PERFORMS MORE THAN 50 ABORTIONS IN ANY 12-MONTH PERIOD, I WAIVE THE  
5 REQUIREMENT TO WAIT 24 HOURS AFTER THE SONOGRAM IS PERFORMED BEFORE  
6 RECEIVING THE ABORTION PROCEDURE. MY PLACE OF RESIDENCE IS \_\_\_\_\_.

7 \_\_\_\_\_  
8 (SIGNATURE) \_\_\_\_\_ (DATE)";

16 20-210.

17 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE STATE HAS  
18 SOVEREIGN IMMUNITY, A POLITICAL SUBDIVISION HAS GOVERNMENTAL IMMUNITY,  
19 AND EACH OFFICER AND EMPLOYEE OF THE STATE OR A POLITICAL SUBDIVISION  
20 HAS OFFICIAL IMMUNITY IN ANY ACTION, CLAIM, OR COUNTERCLAIM OR ANY TYPE  
21 OF LEGAL OR EQUITABLE ACTION THAT CHALLENGES THE VALIDITY OF ANY  
22 PROVISION OR APPLICATION OF THIS SUBTITLE, ON CONSTITUTIONAL GROUNDS OR  
23 OTHERWISE.

24 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PROVISION OF  
25 STATE LAW MAY NOT BE CONSTRUED TO WAIVE OR ABROGATE AN IMMUNITY  
26 DESCRIBED IN SUBSECTION (A) OF THIS SECTION UNLESS IT EXPRESSLY WAIVES  
27 IMMUNITY UNDER THIS SECTION.

28 20-211.

29       (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY PERSON WHO  
30 SEEKS DECLARATORY OR INJUNCTIVE RELIEF TO PREVENT THE STATE, A POLITICAL  
31 SUBDIVISION, ANY GOVERNMENTAL ENTITY OR PUBLIC OFFICIAL IN THE STATE, OR  
32 ANY PERSON IN THE STATE FROM ENFORCING ANY STATUTE, ORDINANCE, RULE,  
33 REGULATION, OR ANY OTHER TYPE OF LAW THAT REGULATES OR RESTRICTS  
34 ABORTION OR THAT LIMITS TAXPAYER FUNDING FOR INDIVIDUALS OR ENTITIES

1 THAT PERFORM OR PROMOTE ABORTIONS, IN ANY STATE OR FEDERAL COURT, OR  
2 THAT REPRESENTS ANY LITIGANT SEEKING SUCH RELIEF IN ANY STATE OR  
3 FEDERAL COURT, IS JOINTLY AND SEVERALLY LIABLE TO PAY THE COSTS AND  
4 ATTORNEY'S FEES OF THE PREVAILING PARTY.

5 (B) FOR PURPOSES OF THIS SECTION, A PARTY IS CONSIDERED A  
6 PREVAILING PARTY IF A FEDERAL OR STATE COURT:

7 (1) DISMISSES ANY CLAIM OR CAUSE OF ACTION BROUGHT AGAINST  
8 THE PARTY THAT SEEKS THE DECLARATORY OR INJUNCTIVE RELIEF UNDER  
9 SUBSECTION (A) OF THIS SECTION, REGARDLESS OF THE REASON FOR THE  
10 DISMISSAL; OR

11 (2) ENTERS JUDGMENT IN THE PARTY'S FAVOR ON ANY SUCH CLAIM  
12 OR CAUSE OF ACTION.

13 (C) REGARDLESS OF WHETHER A PREVAILING PARTY SOUGHT TO RECOVER  
14 COSTS OR ATTORNEY'S FEES IN THE UNDERLYING ACTION, A PREVAILING PARTY  
15 UNDER THIS SECTION MAY BRING A CIVIL ACTION TO RECOVER COSTS AND  
16 ATTORNEY'S FEES AGAINST A PERSON THAT SOUGHT DECLARATORY OR INJUNCTIVE  
17 RELIEF UNDER SUBSECTION (A) OF THIS SECTION WITHIN 3 YEARS AFTER THE DATE  
18 ON WHICH, AS APPLICABLE:

19 (1) THE DISMISSAL OR JUDGMENT UNDER SUBSECTION (B) OF THIS  
20 SECTION BECOMES FINAL ON THE CONCLUSION OF APPELLATE REVIEW; OR

21 (2) THE TIME FOR SEEKING APPELLATE REVIEW EXPIRES.

22 (D) IT IS NOT A DEFENSE TO AN ACTION BROUGHT UNDER SUBSECTION (C)  
23 OF THIS SECTION THAT:

24 (1) A PREVAILING PARTY UNDER THIS SECTION FAILED TO SEEK  
25 RECOVERY OF COSTS OR ATTORNEY'S FEES IN THE UNDERLYING ACTION;

26 (2) THE COURT IN THE UNDERLYING ACTION DECLINED TO  
27 RECOGNIZE OR ENFORCE THE REQUIREMENTS OF THIS SECTION; OR

28 (3) THE COURT IN THE UNDERLYING ACTION HELD THAT ANY  
29 PROVISION OF THIS SECTION IS INVALID, UNCONSTITUTIONAL, OR PREEMPTED BY  
30 FEDERAL LAW, NOTWITHSTANDING THE DOCTRINES OF ISSUE OR CLAIM  
31 PRECLUSION.

32 20-212.

5 (B) A STATUTE MAY NOT BE CONSTRUED TO RESTRICT A POLITICAL  
6 SUBDIVISION FROM REGULATING OR PROHIBITING ABORTION IN A MANNER THAT IS  
7 AT LEAST AS STRINGENT AS THE LAWS OF THE STATE UNLESS THE STATUTE  
8 EXPLICITLY STATES THAT POLITICAL SUBDIVISIONS ARE PROHIBITED FROM  
9 REGULATING OR PROHIBITING ABORTION IN THE MANNER DESCRIBED IN THE  
10 STATUTE.

(C) (1) EVERY STATUTE THAT REGULATES OR PROHIBITS ABORTION IS  
SEVERABLE IN EACH OF ITS APPLICATIONS TO EVERY PERSON AND CIRCUMSTANCE.

17 (I) BE SEVERED FROM THE UNCONSTITUTIONAL  
18 APPLICATIONS;

19 (II) REMAIN ENFORCEABLE, NOTWITHSTANDING ANY OTHER  
20 LAW; AND

25 [20-214.] 20-213.

26 (a) (1) A person may not be required to perform or participate in, or refer to  
27 any source for, any medical procedure that results in artificial insemination, sterilization,  
28 or termination of pregnancy.

31 (i) Civil liability to another person; or

32 (ii) Disciplinary or other recriminatory action against the person.

6 (ii) To refer to any source for these medical procedures.

9 (i) Civil liability to another person; or

10 (ii) Disciplinary or other recriminatory action against the person by  
11 this State or any person.

15 (2) Submitting to or granting consent for an abortion or sterilization may  
16 not be a condition precedent to the receipt of any public benefits.

17 (d) Notwithstanding any other provision of this section, a health care provider, a  
18 licensed hospital, a hospital director, or a hospital governing board is not immune from civil  
19 damages, if available at law, or from disciplinary or other recriminatory action, if the failure  
20 to refer a patient to a source for any medical procedure that results in sterilization or  
21 termination of pregnancy would reasonably be determined as:

22 (1) The cause of death or serious physical injury or serious long-lasting  
23 injury to the patient; and

24 (2) Otherwise contrary to the standards of medical care.

25 SECTION 3. AND BE IT FURTHER ENACTED, That, if any provision of this Act or  
26 the application thereof to any person or circumstance is held invalid for any reason in a  
27 court of competent jurisdiction, the invalidity does not affect other provisions or any other  
28 application of this Act that can be given effect without the invalid provision or application,  
29 and for this purpose the provisions of this Act are declared severable.

30 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2026.