

HOUSE BILL 375

N2
HB 868/25 – JUD

6lr1526
CF SB 190

By: **Delegate Stinnett**

Introduced and read first time: January 19, 2026

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – Interpretation of Wills – 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; authorizing the
7 personal representative to require a certain legatee to demonstrate the use of a
8 legacy under the decedent’s will; requiring the court to interpret a will in a certain
9 manner if certain language is included in the will; authorizing the personal
10 representative to petition the court to issue a certain order or judgment regarding
11 the legacy; applying certain provisions of this Act retroactively to wills probated on
12 or after a certain date; and generally relating to the interpretation of provisions of
13 wills and extrinsic evidence.

14 BY repealing and reenacting, with amendments,
15 Article – Estates and Trusts
16 Section 7–402
17 Annotated Code of Maryland
18 (2022 Replacement Volume and 2025 Supplement)

19 BY adding to
20 Article – Health – General
21 Section 1–102
22 Annotated Code of Maryland
23 (2023 Replacement Volume and 2025 Supplement)

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

26 **Article – Estates and Trusts**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



7-402.

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

(2) (i) 1. A PERSONAL REPRESENTATIVE WHO HAS POWER OF ATTORNEY WHOM A DECEDENT ALSO NAMED AS THE DECEDENT'S CAREGIVER OR WHO ACTED AS THE DECEDENT'S CAREGIVER MAY PETITION THE COURT TO INTERPRET A WILL IN ACCORDANCE WITH THE INTENT OF THE DECEDENT IF:

A. THE WILL CONTAINS A LEGACY FOR A HEALTH PROVIDER OR A CHARITABLE ORGANIZATION IN A SECTOR THAT HAS A DOCUMENTED NEED OF SUPPORT OR INEQUALITY OR IS DEEMED BY STATE LAW OR POLICY TO BE IN NEED OF SUPPORT; AND

B. THE WILL DOES NOT EXPRESSLY PROVIDE THAT THE LEGACY MUST BE USED TO ADDRESS ISSUES RELEVANT TO THE HEALTH PROVIDER OR ORGANIZATION DESCRIBED UNDER ITEM A OF THIS SUBSUBPARAGRAPH EVEN THOUGH THE DECEDENT'S LIFE REFLECTED AN ACTIVE INTEREST IN THOSE ISSUES.

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

(ii) THE COURT SHALL DEFER TO THE JUDGMENT OF THE PERSONAL REPRESENTATIVE REGARDING THE ADMINISTRATION OF THE WILL UNDER THIS PARAGRAPH IF THE WILL INCLUDES THE FOLLOWING LANGUAGE:

"IN ADDITION TO THE POWERS CONFERRED UPON PERSONAL REPRESENTATIVES AND TRUSTEES BY LAW, MY REPRESENTATIVE AND TRUSTEE, OR ANY DULY APPOINTED SUCCESSOR, SHALL HAVE AUTHORITY WITHOUT ADJUDICATION OR ORDER OR DIRECTION OF THE COURT TO:

(1) SELL, PURSUANT TO OPTION OR OTHERWISE, AT A PUBLIC OR PRIVATE SALE AND UPON SUCH TERMS AS THE PERSONAL REPRESENTATIVE SHALL DEEM BEST, ANY REAL OR PERSONAL PROPERTY BELONGING TO MY ESTATE WITHOUT REGARD TO THE NECESSITY OF SUCH SALE FOR THE PURPOSE OF PAYING DEBTS, TAXES, OR LEGACIES;

(2) RETAIN ANY AND ALL OF SUCH PROPERTY NOT SO REQUIRED

1 WITHOUT LIABILITY FOR ANY DEPRECIATION THEREOF;

2 (3) ASSIGN OR TRANSFER CERTIFICATES OF STOCK, BONDS, OR
3 OTHER SECURITIES;

4 (4) ADJUST, COMPROMISE, AND SETTLE ANY AND ALL CLAIMS IN
5 FAVOR OF OR AGAINST MY ESTATE;

6 (5) CONDUCT AND CARRY ON ALL BUSINESS UNTIL SUCH TIME AS THE
7 BUSINESS CAN BE SOLD AND DISTRIBUTED AS A GOING CONCERN OR OTHERWISE,
8 AND THE PERSONAL REPRESENTATIVE SHALL BE EXONERATED FROM ANY LOSS
9 WHICH MAY RESULT THEREBY; AND

10 (6) DO ANY AND ALL THINGS NECESSARY AND PROPER TO COMPLETE
11 THE ADMINISTRATION OF ALL MY ESTATE AS FULLY AS I COULD DO IF I WERE
12 LIVING.”.

13 (III) THE JUDGMENT OF A PERSONAL REPRESENTATIVE TO
14 WHOM A COURT IS REQUIRED TO DEFER UNDER SUBPARAGRAPH (II) OF THIS
15 PARAGRAPH:

16 1. INCLUDES ANY ACT TO ADDRESS AN ISSUE OR
17 DISPARITY DESCRIBED UNDER SUBPARAGRAPH (I)1B OF THIS PARAGRAPH; AND

18 2. SHALL BE CONSIDERED AUTHORIZED BY LAW UNLESS
19 THERE IS COMPELLING EVIDENCE THAT THE PERSONAL REPRESENTATIVE IS
20 ACTING WITH INTENT TO COMMIT FRAUD AGAINST THE ESTATE.

21 (IV) THE PROVISION DESCRIBED IN SUBPARAGRAPH (II) OF THIS
22 PARAGRAPH SHALL BE INTERPRETED TO ENSURE THAT:

23 1. ALL INDIVIDUALS WITH POWERS OF ATTORNEY OR
24 NAMED AS CAREGIVERS BY THE DECEDENT, OR WHO ACTED AS CAREGIVERS FOR
25 THE DECEDENT, DURING THE DECEDENT’S LIFETIME ARE HELD ACCOUNTABLE AND
26 PROTECTED; AND

27 2. A PERSONAL REPRESENTATIVE UNDER THIS
28 PARAGRAPH HOLDS AN INTERESTED PERSON ACCOUNTABLE FOR THE INTERESTED
29 PERSON’S ACTIONS OR INACTIONS TOWARD, RELATED TO, IN HONOR OF, OR ON
30 BEHALF OF THE DECEDENT.

31 (V) 1. FOR THE PERIOD BEGINNING 6 MONTHS AFTER THE
32 PROBATE OF THE ESTATE AND ENDING 3 YEARS AFTER THE PROBATE OF THE

ESTATE, A PERSONAL REPRESENTATIVE WHO PETITIONS THE COURT UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH MAY REQUIRE A LEGATEE DESCRIBED UNDER SUBPARAGRAPH (I)1A OF THIS PARAGRAPH TO DEMONSTRATE HOW THE LEGACY WAS USED BY THE LEGATEE.

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

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

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

(b) (1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE court may pass any order it considers proper.

(2) IN A PROCEEDING UNDER SUBSECTION (A)(2) OF THIS SECTION, THE COURT, WITH THE APPROVAL OF THE PERSONAL REPRESENTATIVE, MAY PASS ANY ORDER IT CONSIDERS:

(I) PROPER; AND

(II) CONSISTENT WITH THE GUIDANCE IN SUBSECTION (A)(2) OF THIS SECTION.

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

Article – Health – General

1–102.

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

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any will

1 probated on or after October 1, 2021.

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