

SENATE BILL 190

N2
SB 1029/25 – JPR

(PRE-FILED)

6lr1529
CF 6lr1526

By: Senator Muse

Requested: October 29, 2025

Introduced and read first time: January 14, 2026

Assigned to: Judicial Proceedings

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.



1 7-402.

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

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

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

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

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

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

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

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

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

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

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

(v) 1. FOR THE PERIOD BEGINNING 6 MONTHS AFTER THE

1 PROBATE OF THE ESTATE AND ENDING 3 YEARS AFTER THE PROBATE OF THE
2 ESTATE, A PERSONAL REPRESENTATIVE WHO PETITIONS THE COURT UNDER
3 SUBPARAGRAPH (I)1 OF THIS PARAGRAPH MAY REQUIRE A LEGATEE DESCRIBED
4 UNDER SUBPARAGRAPH (I)1A OF THIS PARAGRAPH TO DEMONSTRATE HOW THE
5 LEGACY WAS USED BY THE LEGATEE.

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

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

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

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

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

19 (I) PROPER; AND

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

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

24 Article – Health – General

25 1-102.

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

32 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be

1 construed to apply retroactively and shall be applied to and interpreted to affect any will
2 probated on or after October 1, 2021.

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