

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1143
Health

(Delegate Lopez, *et al.*)

Public Health - Office of the Chief Medical Examiner - Perinatal Autopsies
(Lung Float Test Ban)

This bill prohibits the Chief Medical Examiner, a deputy chief medical officer, an assistant medical examiner, or a pathologist authorized by the Chief Medical Examiner from using a hydrostatic lung test (also known as a lung float test) when performing a perinatal autopsy to determine whether the death resulted in a stillbirth or occurred after a live birth. A parent, guardian, or legal representative of the subject of a perinatal autopsy may bring a civil action against the Chief Medical Examiner, a deputy chief medical officer, an assistant medical examiner, or an authorized pathologist for violating this prohibition. An individual who violates the prohibition is subject to specified disciplinary action by the Maryland Board of Physicians (MBP).

Fiscal Summary

State Effect: The bill generally codifies existing practice and can be implemented with existing budgeted resources. Potential minimal increase in general fund revenues due to the bill's penalty provisions for those cases heard in the District Court.

Local Effect: Potential minimal increase in revenues due to the bill's penalty provisions for those cases heard in the circuit courts. No effect on expenditures.

Small Business Effect: None.

Analysis

Current Law: The Office of the Chief Medical Examiner is the statewide agency designated by law to investigate deaths from injury, homicide, suicide, under unusual or suspicious circumstances, or when a person is not attended by a physician.

A medical examiner must investigate the death of a human fetus if (1) regardless of the duration of the pregnancy, the death occurs before the complete expulsion or extraction of the fetus from the mother and (2) the mother is not attended by a physician at or after the delivery.

If the medical examiner who investigates a medical examiner's case considers an autopsy necessary, the Chief Medical Examiner, a deputy chief medical examiner, an assistant medical examiner, or an authorized pathologist must perform the autopsy.

Maryland Board of Physicians

MBP's mission is to assure quality health care through the efficient licensure and effective discipline of the health care providers under its jurisdiction. MBP has regulatory authority over several health care providers, including physicians.

Subject to specified hearing provisions, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license under several specified circumstances.

Additional Comments: According to the [National Association of Medical Examiners](#), the hydrostatic lung test has been deemed unreliable as it is not a diagnostic tool able to stand on its own as the sole determinant of whether an infant is liveborn or stillborn.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland State Treasurer's Office; Judiciary (Administrative Office of the Courts); Maryland Department of Health; Department of Legislative Services

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me/jc

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