

HB1317

Favorable

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Please issue a favorable opinion on House Bill 1317.

This bill is concerned with how the state of Maryland regulates abortion. Abortion is legal. This bill makes no attempt to restrict that. The state has a compelling interest to regulate legal medical procedures to establish reasonable regulations and restrictions to help ensure the health and well being of the patient.

Patients need to be fully informed of their options. This means providing the patient with as much information as we would expect for other medical procedures, going beyond the minimum necessary. Thirty eight states have adopted some form of informed consent with counseling, with twenty eight requiring written information about alternatives. Abortion providers have no compelling reason to provide information about alternatives. They have no inherent interest and in fact no common law duty to provide sufficient information for the patient to make an autonomous, educated decision. For example, there is no expectation that such a provider would provide information about public or private funds available to support a nonabortion decision or legal obligations for a partner to support such a decision.

HB1317 ensures that consent is voluntary and informed. The 24 hour waiting period is similar to or shorter than in 28 states, and the terms of the counseling are clearly specified, easy to deliver, and ensure that a patient-doctor conversation occurs. The bill requires that the patient be given information about medical assistance benefits as well as the extent of a financial obligation beyond abortion. Beyond that, it requires that she be given information about alternatives provided by other entities. This section is about the state providing some level of information that considers the possibility of making abortion more rare in a voluntary way, arming the patient with more complete information. Additional sections ensure a written record of consent.

This bill treats the patient as many of us are treated when discussing other medical procedures. The bill includes reasonable records requirements and conditions under which a medical emergency allows exceptions to those requirements. It also includes appropriate regulations to hold doctors to standards that will protect patients and encourage a higher level of care. Please return a favorable report on HB 1317.