

Committee: House Health and Governmental Operations Committee

Bill: House Bill 1317 – Health – Informed Consent

Hearing: March 11, 2022

Position: Oppose

Planned Parenthood of Maryland (PPM) opposes *House Bill 1317 – Health – Informed Consent* as we believe fundamentally health decisions should be made by an individual with the advice of a health care provider. This bill, under the title of “informed consent”, delineates provisions in an attempt to intimidate patients with misinformation and delay a procedure for no clinical reason.

PPM opposes this bill for the following reasons:

- **This bill is not about informed consent.** Health care providers are already required to obtain informed consent for any medical procedure, test, or service. It is unnecessary to build in a new statutory requirement for a specific procedure.
- **The bill is an attempt to intimidate patients.** This bill requires providers to give information about unproven risks such as breast cancer and detrimental psychological effects. The bill also requires the provider to display an ultrasound and make any detectable heartbeat audible, although it does not prohibit a patient from “averting her eyes” or “not listening to the sounds detected by a hand-held Doppler fetal monitor.”
- **The bill is an attempt to legislate clinical advice.** By delineating assumptions about risk of a procedure, the bill is an attempt to legislate clinical advice. Clinical advice should only be based on peer-reviewed research.
- **The bill is designed to delay care.** Before a procedure, physicians must provide the required “consent” information to the patient at least 24 hours before the procedure, but only if the patient views information provided on the physician’s website via a link to the Department of Health. Otherwise, a procedure cannot be performed until after the provider has mailed the written materials at least 72 hours in advance by certified mail. If there is a delay in the mail, there would be a delay in care.

- **This bill will penalize providers who are helping patients.** The bill contains multiple provisions to penalize physicians through a felony penalty, substantial civil fines, and civil lawsuits. As a result, any physician who provides an abortion will be at substantial risk.

We ask for an unfavorable report. If we can provide any further information, please contact Robyn Elliott at relliott@policypartners.net.