

HB1401

Favorable

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Please issue a favorable opinion on House Bill 1401.

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. If abortion is healthcare, then it should be treated as healthcare, and patients should be informed. Most medical procedures require some form of informed medical consent.

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. This bill is a weaker version of what has been enacted in many other states and in Maryland for many other operations. In fact, this bill is weaker than previous options offered.

HB1401 ensures that consent is voluntary and informed. This bill treats the patient as many of us are treated when discussing other medical procedures. Please return a favorable report on HB 1401.