

HOUSE BILL 1162

J1, J2
HB 630/19 – HGO

0lr2361

By: **Delegates Wivell, Arentz, Chisholm, Ciliberti, Clark, Jacobs, Kipke, McKay, Otto, Parrott, Saab, and Szeliga**

Introduced and read first time: February 7, 2020

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health – Abortions – Reporting Requirements**

3 FOR the purpose of requiring a physician who performs an abortion or certain hospitals,
4 facilities, and institutions in which an abortion is performed to report the abortion
5 to the Maryland Department of Health; requiring that the report be made on a
6 certain form, be completed by a certain physician, hospital, facility, or institution, be
7 transmitted annually to the Vital Statistics Administration within a certain period
8 of time, and include certain information; providing that the report may include
9 certain information but may not include certain identifying information; establishing
10 certain penalties; requiring the Department to adopt certain regulations;
11 authorizing the State Board of Physicians to take certain disciplinary actions against
12 a licensee who violates certain provisions of this Act; defining a certain term; and
13 generally relating to the reporting of information about abortions.

14 BY adding to

15 Article – Health – General
16 Section 20–217 to be under the new part “Part V. Reporting Requirements”
17 Annotated Code of Maryland
18 (2019 Replacement Volume)

19 BY repealing and reenacting, with amendments,

20 Article – Health Occupations
21 Section 14–404(a)(44) and (45)
22 Annotated Code of Maryland
23 (2014 Replacement Volume and 2019 Supplement)

24 BY adding to

25 Article – Health Occupations
26 Section 14–404(a)(46)
27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2014 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Health – General

20–215. RESERVED.

20–216. RESERVED.

PART V. REPORTING REQUIREMENTS.

20–217.

(A) (1) IN THIS SECTION, “ABORTION” MEANS THE USE OR PRESCRIPTION OF ANY INSTRUMENT, MEDICINE, OR DRUG, OR ANY OTHER SUBSTANCE OR DEVICE, TO INTENTIONALLY KILL THE FETUS OF A WOMAN KNOWN TO BE PREGNANT OR TO INTENTIONALLY TERMINATE THE PREGNANCY OF A WOMAN KNOWN TO BE PREGNANT.

(2) “ABORTION” DOES NOT INCLUDE ACTIONS PERFORMED AFTER VIABILITY TO PRODUCE A LIVE BIRTH AND PRESERVE THE LIFE AND HEALTH OF THE FETUS BORN ALIVE, OR TO REMOVE A DEAD UNBORN FETUS.

(B) A PHYSICIAN PERFORMING AN ABORTION OR A HOSPITAL, A FACILITY, OR AN INSTITUTION IN WHICH AN ABORTION IS PERFORMED SHALL REPORT THE ABORTION TO THE DEPARTMENT.

(C) (1) THE REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL:

(i) BE MADE ON A FORM DEVELOPED BY THE DEPARTMENT;

(ii) BE COMPLETED BY THE PHYSICIAN PERFORMING THE ABORTION OR BY THE HOSPITAL, FACILITY, OR INSTITUTION IN WHICH THE ABORTION WAS PERFORMED;

(iii) BE TRANSMITTED ANNUALLY TO THE VITAL STATISTICS ADMINISTRATION IN THE DEPARTMENT WITHIN 15 DAYS AFTER EACH REPORTING YEAR; AND

(iv) INCLUDE THE FOLLOWING INFORMATION:

- 1 1. **THE COUNTY AND STATE OF RESIDENCE OF THE**
2 **PATIENT;**
- 3 2. **THE AGE, RACE, AND MARITAL STATUS OF THE**
4 **PATIENT;**
- 5 3. **THE ESTIMATED GESTATIONAL AGE OF THE FETUS AT**
6 **THE TIME OF THE ABORTION;**
- 7 4. **THE MONTH DURING WHICH THE ABORTION WAS**
8 **PERFORMED; AND**
- 9 5. **THE METHOD OF ABORTION USED BY THE PHYSICIAN**
10 **TO TERMINATE THE PREGNANCY.**

11 **(2) THE REPORT REQUIRED UNDER SUBSECTION (B) OF THIS**
12 **SECTION MAY INCLUDE THE PRIMARY REASON PROVIDED BY THE PATIENT FOR THE**
13 **ABORTION, INCLUDING:**

- 14 **(I) RAPE;**
- 15 **(II) INCEST;**
- 16 **(III) FINANCIAL HARDSHIP;**
- 17 **(IV) EDUCATIONAL CONCERNS;**
- 18 **(V) LACK OF RESOURCES;**
- 19 **(VI) PHYSICAL OR MENTAL INFIRMITY;**
- 20 **(VII) SERIOUS FETAL DEFORMITY;**
- 21 **(VIII) PRESSURE FROM OTHER INDIVIDUALS;**
- 22 **(IX) ILL-TIMED PREGNANCY; AND**
- 23 **(X) ABANDONMENT BY PARTNER OR FAMILY.**

24 **(D) THE REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION MAY**
25 **NOT:**

- 26 **(1) INCLUDE THE NAME OR STREET ADDRESS OF THE PATIENT; OR**

1 **(2) INCLUDE ANY IDENTIFIERS THAT COULD BE USED TO IDENTIFY A**
2 **PATIENT OR THE PHYSICIAN WHO PERFORMED THE ABORTION.**

3 **(E) (1) A PHYSICIAN WHO PERFORMS AN ABORTION AND FAILS TO**
4 **SUBMIT THE REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION IS**
5 **GUILTY OF UNPROFESSIONAL CONDUCT AND SHALL BE SUBJECT TO DISCIPLINARY**
6 **ACTION UNDER § 14-404 OF THE HEALTH OCCUPATIONS ARTICLE.**

7 **(2) A PHYSICIAN OR AN INDIVIDUAL ACTING ON BEHALF OF A**
8 **HOSPITAL, A FACILITY, OR AN INSTITUTION WHO DOES NOT SUBMIT THE REPORT**
9 **REQUIRED UNDER SUBSECTION (B) OF THIS SECTION IS SUBJECT TO AN**
10 **ADMINISTRATIVE FINE NOT EXCEEDING \$500 FOR EACH VIOLATION.**

11 **(F) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
12 **SECTION.**

13 **Article – Health Occupations**

14 14-404.

15 (a) Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary
16 panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may
17 reprimand any licensee, place any licensee on probation, or suspend or revoke a license if
18 the licensee:

19 (44) Fails to meet the qualifications for licensure under Subtitle 3 of this
20 title; [or]

21 (45) Fails to comply with § 1-223 of this article; OR

22 **(46) FAILS TO COMPLY WITH § 20-217 OF THE HEALTH – GENERAL**
23 **ARTICLE.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2020.