

10 AN ACT CONCERNING

20 **Abortion - Informed Consent**

30 FOR the purpose of requiring a physician performing an abortion or a referring  
40 physician to provide a woman seeking an abortion with certain information  
50 within a certain time frame; requiring the physician performing an abortion, a  
60 referring physician, or their representative, to provide a woman seeking an  
70 abortion with certain printed materials within a certain time frame that include  
80 certain information; requiring a certain written certification from the physician  
90 performing the abortion or the physician's representative; providing that a  
100 physician who violates the provisions of this Act is subject to disciplinary action  
110 by the State Board of Physician Quality Assurance; and generally relating to the  
120 requirements for informed consent by a woman seeking an abortion.

130 BY adding to  
140 Article - Health - General  
150 Section 20-211 through 20-213  
160 Annotated Code of Maryland  
170 (2000 Replacement Volume)

180 BY repealing and reenacting, with amendments,  
190 Article - Health Occupations  
200 Section 14-404(a)(39) and (40)  
210 Annotated Code of Maryland  
220 (2000 Replacement Volume)

230 BY adding to  
240 Article - Health Occupations  
250 Section 14-404(a)(41)  
260 Annotated Code of Maryland  
270 (2000 Replacement Volume)

280 SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, That the Laws of  
290 Maryland read as follows:

300 **Article - Health - General**

310 § 20-211.

320 CONSENT TO AN ABORTION IS VOLUNTARY AND INFORMED IF AT LEAST 24  
330 HOURS PRIOR TO THE ABORTION, THE PHYSICIAN WHO IS TO PERFORM THE  
340 ABORTION OR THE REFERRING PHYSICIAN HAS INFORMED THE WOMAN OF:

- 350 (1) THE NATURE OF THE PROPOSED PROCEDURE;
- 360 (2) THE RISKS ASSOCIATED WITH THE PROCEDURE;
- 370 (3) ALTERNATIVES TO THE PROCEDURE THAT A REASONABLE WOMAN  
380 WOULD CONSIDER MATERIAL TO MAKING THE DECISION TO HAVE AN ABORTION;
- 390 (4) THE PROBABLE GESTATIONAL AGE OF THE FETUS ON THE DATE THE  
400 ABORTION IS TO BE PERFORMED; AND
- 410 (5) THE MEDICAL RISKS ASSOCIATED WITH A FULL-TERM PREGNANCY.

420 § 20-212.

430 (A) AT LEAST 24 HOURS PRIOR TO AN ABORTION, THE PHYSICIAN WHO IS TO  
440 PERFORM THE ABORTION OR THE REFERRING PHYSICIAN, OR A QUALIFIED  
450 PHYSICIAN ASSISTANT, HEALTH CARE PRACTITIONER, TECHNICIAN, OR SOCIAL  
460 WORKER TO WHOM THE RESPONSIBILITY HAS BEEN DELEGATED BY EITHER  
470 PHYSICIAN, SHALL INFORM THE PREGNANT WOMAN THAT:

- 480 (1) THE DEPARTMENT PUBLISHES PRINTED MATERIALS THAT:  
490 (I) DESCRIBE THE UNBORN CHILD;  
500 (II) LIST AGENCIES THAT OFFER ALTERNATIVES TO ABORTION; AND  
510 (III) PROVIDE DETAILED INFORMATION ABOUT MEDICAL  
520 ASSISTANCE THAT MAY BE AVAILABLE FOR PRENATAL CARE, CHILDBIRTH, AND  
530 NEONATAL CARE;
- 540 (2) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE  
550 FATHER OF AN UNBORN CHILD IS RESPONSIBLE FOR CHILD SUPPORT;
- 560 (3) SHE HAS A RIGHT TO REVIEW THE PRINTED MATERIALS; AND
- 570 (4) A FREE COPY OF THE PRINTED MATERIALS WILL BE PROVIDED TO  
580 HER IF SHE CHOOSES TO VIEW THE MATERIALS.

590 (B) IF THE PREGNANT WOMAN SEEKING AN ABORTION IS THE VICTIM OF A  
600 RAPE, THE INFORMATION REQUIRED UNDER SUBSECTION (A)(2) OF THIS SECTION  
610 MAY BE OMITTED.

620 (C) THE PHYSICIAN PERFORMING THE ABORTION OR A DESIGNATED STAFF  
630 MEMBER SHALL CERTIFY IN WRITING THAT PRIOR TO HAVING AN ABORTION A  
640 PREGNANT WOMAN:

650 (1) WAS OFFERED A FREE COPY OF THE PRINTED MATERIALS  
660 DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION; AND

670 (2) WAS GIVEN AN OPPORTUNITY TO REVIEW THE MATERIALS.

680 § 21-213.

690 (A) A PHYSICIAN WHO VIOLATES A PROVISION OF § 21-211 OR § 21-212 OF THIS  
700 SUBTITLE IS SUBJECT TO DISCIPLINARY ACTION UNDER THE PROVISIONS OF § 14-404  
710 OF THE HEALTH OCCUPATIONS ARTICLE.

720 (B) A PHYSICIAN MAY NOT BE FOUND IN VIOLATION OF § 21-211 OR § 21-212 OF  
730 THIS SUBTITLE FOR FAILURE TO PROVIDE THE REQUIRED INFORMATION IF THE  
740 PHYSICIAN CAN DEMONSTRATE, BY A PREPONDERANCE OF THE EVIDENCE, THAT  
750 THE PHYSICIAN REASONABLY BELIEVED THAT FURNISHING THE INFORMATION  
760 WOULD HAVE RESULTED IN A SEVERELY ADVERSE EFFECT ON THE PHYSICAL OR  
770 MENTAL HEALTH OF THE PATIENT.

## 780 **Article - Health Occupations**

790 § 14-404.

800 (a) Subject to the hearing provisions of § 14-405 of this subtitle, the Board, on  
810 the affirmative vote of a majority of its full authorized membership, may reprimand  
820 any licensee, place any licensee on probation, or suspend or revoke a license if the  
830 licensee:

840 (39) Intentionally misrepresents credentials for the purpose of testifying  
850 or rendering an expert opinion in hearings or proceedings before the Board or those  
860 otherwise delegated to the Office of Administrative Hearings; [or]

870 (40) Fails to keep adequate medical records as determined by appropriate  
880 peer review; OR

890 (41) INTENTIONALLY FAILS TO COMPLY WITH THE PROVISIONS OF  
900 §§ 20-211 AND 20-212 OF THE HEALTH - GENERAL ARTICLE.

910 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

920

October 1, 2001.

930 MANDATES: Governor Parris Glendening  
940 President of the Senate Thomas V. "Mike" Miller  
950 Speaker Casper Taylor

Sponsor:

Mr. Scott T. Gibson

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