

# HOUSE BILL 1412

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By: **Delegates Metzgar, Arian, Chisholm, Cox, Grammer, Hartman, Hornberger, Krebs, Malone, Mangione, McComas, Parrott, and Shoemaker**

Introduced and read first time: February 7, 2020

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Abortions – Methods**

3 FOR the purpose of altering the authority of the Maryland Department of Health to adopt  
4 regulations related to the termination of pregnancies; prohibiting a physician from  
5 performing an abortion on a pregnant woman using a method that results in the  
6 dismemberment or disarticulation of a fetus or fetal death; providing for the  
7 application of certain provisions of this Act; and generally relating to the methods  
8 used to perform an abortion.

9 BY repealing and reenacting, without amendments,  
10 Article – Health – General  
11 Section 4–201(a) and (h)  
12 Annotated Code of Maryland  
13 (2019 Replacement Volume)

14 BY repealing and reenacting, with amendments,  
15 Article – Health – General  
16 Section 20–209  
17 Annotated Code of Maryland  
18 (2019 Replacement Volume)

19 BY adding to  
20 Article – Health – General  
21 Section 20–210  
22 Annotated Code of Maryland  
23 (2019 Replacement Volume)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**Article – Health – General**

4–201.

(a) In this subtitle the following words have the meanings indicated.

(h) “Fetal death” means death of a product of human conception, before its complete expulsion or extraction from the mother, regardless of the duration of the pregnancy, as indicated by the fact that, after the expulsion or extraction, the fetus does not breathe or show any other evidence of life, such as heart beat, pulsation of the umbilical cord, or definite movement of voluntary muscle.

20–209.

(a) In this section, “viable” means that stage when, in the best medical judgment of the attending physician based on the particular facts of the case before the physician, there is a reasonable likelihood of the fetus’s sustained survival outside the womb.

(b) Except as otherwise provided in this subtitle, the State may not interfere with the decision of a woman to terminate a pregnancy:

(1) Before the fetus is viable; or

(2) At any time during the woman’s pregnancy, if:

(i) The termination procedure is necessary to protect the life or health of the woman; or

(ii) The fetus is affected by genetic defect or serious deformity or abnormality.

(c) The Department may adopt regulations that:

(1) Are both necessary and the least intrusive method to protect the life or health of the woman; [and]

(2) Are not inconsistent with established medical practice; **AND**

**(3) ARE CONSISTENT WITH § 20–210 OF THIS SUBTITLE.**

(d) The physician is not liable for civil damages or subject to a criminal penalty for a decision to perform an abortion under this section made in good faith and in the physician’s best medical judgment in accordance with accepted standards of medical practice.

**20–210.**

1           **(A) THIS SECTION APPLIES ONLY IF, IN THE BEST MEDICAL JUDGMENT OF**  
2 **THE PHYSICIAN BASED ON THE PARTICULAR FACTS OF THE CASE BEFORE THE**  
3 **PHYSICIAN, A WOMAN HAS BEEN PREGNANT FOR MORE THAN 10 WEEKS.**

4           **(B) A PHYSICIAN MAY NOT PERFORM AN ABORTION ON A PREGNANT WOMAN**  
5 **USING A METHOD THAT RESULTS IN:**

6                   **(1) THE DISARTICULATION OR DISMEMBERMENT OF A FETUS; OR**

7                   **(2) FETAL DEATH, AS DEFINED IN § 4-201 OF THIS ARTICLE.**

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