

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1151 (Delegate Cox, *et al.*)
Health and Government Operations

Health - Abortion - 24-Hour Waiting Period

This bill prohibits a physician from performing or inducing an abortion before 24 hours have elapsed since the woman requested the performance or inducement of an abortion unless two physicians with hospital privileges in the State certify in writing and sign under penalty of perjury that within a reasonable degree of medical certainty the woman's life is in imminent danger.

Fiscal Summary

State Effect: The bill does not directly affect governmental operations or finances.

Local Effect: The bill does not directly affect local governmental operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: A claim or diagnosis that a woman will engage in conduct intended to cause herself death or bodily injury may not be the basis for a physician's certification that the woman's life is in imminent danger.

Current Law: The State may not interfere with a woman's decision to end a pregnancy before the fetus is viable, or at any time during a woman's pregnancy, if the procedure is necessary to protect the life or health of the woman, or if the fetus is affected by a genetic defect or serious deformity or abnormality. This is consistent with the U.S. Supreme Court's holding in *Roe v. Wade*, 410 U.S. 113 (1973). A viable fetus is one that has a reasonable likelihood of surviving outside of the womb. The Maryland Department of

Health may adopt regulations consistent with established medical practice if they are necessary and the least intrusive method to protect the life and health of the woman.

If an abortion is provided, it must be performed by a licensed physician. A physician is not liable for civil damages or subject to a criminal penalty for a decision to perform an abortion made in good faith and in the physician's best medical judgment using accepted standards of medical practice.

Background: The Guttmacher Institute reports that a total of 26 states require some waiting period before the performance or inducement of an abortion. Seventeen states require the most common waiting period of 24 hours: Arizona, Georgia, Idaho, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Nebraska, North Dakota, Ohio, Pennsylvania, South Carolina, Texas, Virginia, West Virginia, and Wisconsin. Another eight states require longer waiting periods from between 48 hours (Alabama, Arkansas, and Tennessee) and 72 hours (Missouri, North Carolina, Oklahoma, South Dakota, and Utah), while one state (Indiana) requires a waiting period of 18 hours.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland Department of Health; Guttmacher Institute; Department of Legislative Services

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mm/jc

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