

HOUSE BILL 846

J1
HB 1583/20 – HRU

11r2507

By: **Delegate Cox**

Introduced and read first time: January 29, 2021

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Abortions – Prenatal Diagnosis of Down Syndrome**
3 **(Down Syndrome Dignity Act)**

4 FOR the purpose of providing that a certain prohibition on State interference with a certain
5 decision to terminate a pregnancy at a certain time does not apply to a decision to
6 terminate a pregnancy because the fetus has a prenatal diagnosis of Down syndrome
7 except under certain circumstances; and generally relating to abortions and prenatal
8 diagnoses of Down syndrome.

9 BY repealing and reenacting, with amendments,
10 Article – Health – General
11 Section 20–209
12 Annotated Code of Maryland
13 (2019 Replacement Volume and 2020 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Health – General
16 Section 20–1501(a) and (b)
17 Annotated Code of Maryland
18 (2019 Replacement Volume and 2020 Supplement)

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

21 **Article – Health – General**

22 20–209.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) Except as otherwise provided in this subtitle, the State may not
2 interfere with the decision of a woman to terminate a pregnancy:

3 [(1)] (I) Before the fetus is viable; or

4 [(2)] (II) At any time during the woman's pregnancy, if:

5 [(i)] 1. The termination procedure is necessary to protect the life
6 or health of the woman; or

7 [(ii)] 2. The fetus is affected by genetic defect or serious deformity
8 or abnormality.

9 (2) PARAGRAPH (1)(II)2 OF THIS SUBSECTION DOES NOT APPLY TO A
10 DECISION TO TERMINATE A PREGNANCY BECAUSE THE FETUS HAS A PRENATAL
11 DIAGNOSIS OF DOWN SYNDROME, AS DEFINED IN § 20-1501 OF THIS TITLE UNLESS:

12 (I) THE FETUS WAS CONCEIVED AS THE RESULT OF RAPE OR
13 INCEST; OR

14 (II) AN ABORTION IS REQUIRED BECAUSE OF A MEDICAL
15 EMERGENCY.

16 (c) The Department may adopt regulations that:

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

19 (2) Are not inconsistent with established medical practice.

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

24 20-1501.

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

26 (b) "Down syndrome" means a chromosomal condition caused by an error in cell
27 division that results in the presence of an extra whole or partial copy of chromosome 21.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2021.