

HOUSE BILL 50

J1

2lr0879

(PRE-FILED)

By: **Delegate Amprey**

Requested: October 20, 2021

Introduced and read first time: January 12, 2022

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Abortion, Artificial Insemination, and Sterilization –**
3 **Requirement**

4 FOR the purpose of requiring, rather than prohibiting, licensed hospitals, hospital
5 directors, and hospital governing boards to authorize within the hospitals the
6 performance of any medical procedure that results in artificial insemination,
7 sterilization, or termination of pregnancy or to refer to any source for these medical
8 procedures; and generally relating to hospitals and abortions, artificial insemination,
9 and sterilizations.

10 BY repealing and reenacting, with amendments,
11 Article – Health – General
12 Section 20–214
13 Annotated Code of Maryland
14 (2019 Replacement Volume and 2021 Supplement)

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

17 **Article – Health – General**

18 20–214.

19 (a) (1) A person may not be required to perform or participate in, or refer to
20 any source for, any medical procedure that results in artificial insemination, sterilization,
21 or termination of pregnancy.

22 (2) The refusal of a person to perform or participate in, or refer to a source
23 for, these medical procedures may not be a basis for:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) Civil liability to another person; or

2 (ii) Disciplinary or other recriminatory action against the person.

3 (b) [(1)] A licensed hospital, hospital director, or hospital governing board [may
4 not be required] **SHALL**:

5 [(i)] (1) [To permit] **AUTHORIZE**, within the hospital, the
6 performance of any medical procedure that results in artificial insemination, sterilization,
7 or termination of pregnancy; or

8 [(ii)] (2) [To refer] **REFER** to any source for these medical
9 procedures.

10 [(2)] The refusal to permit or to refer to a source for these procedures may
11 not be grounds for:

12 (i) Civil liability to another person; or

13 (ii) Disciplinary or other recriminatory action against the person by
14 this State or any person.]

15 (c) (1) The refusal of an individual to submit to or give consent for an abortion
16 or sterilization may not be grounds for loss of any privileges or immunities to which the
17 individual otherwise would be entitled.

18 (2) Submitting to or granting consent for an abortion or sterilization may
19 not be a condition precedent to the receipt of any public benefits.

20 (d) Notwithstanding any other provision of this section, a health care provider, a
21 licensed hospital, a hospital director, or a hospital governing board is not immune from civil
22 damages, if available at law, or from disciplinary or other recriminatory action, if the failure
23 to refer a patient to a source for any medical procedure that results in sterilization or
24 termination of pregnancy would reasonably be determined as:

25 (1) The cause of death or serious physical injury or serious long-lasting
26 injury to the patient; and

27 (2) Otherwise contrary to the standards of medical care.

28 **SECTION 2. AND BE IT FURTHER ENACTED**, That this Act shall take effect
29 October 1, 2022.