

# HOUSE BILL 583

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HB 846/21 – HGO

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By: **Delegates Cox, Arikan, Boteler, Hornberger, Mangione, McComas, McKay, Rose, and Shoemaker**

Introduced and read first time: January 31, 2022

Assigned to: Health and Government Operations

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## 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 the prohibition on State interference with the decision  
5 of a woman to terminate a pregnancy at a certain time does not apply to a decision  
6 to terminate a pregnancy because the fetus has a prenatal diagnosis of Down  
7 syndrome except under certain circumstances; and generally relating to abortions  
8 and prenatal 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 2021 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 2021 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,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 there is a reasonable likelihood of the fetus's sustained survival outside the womb.

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

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

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

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

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

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

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

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

17 (c) The Department may adopt regulations that:

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

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

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

25 20–1501.

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

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

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

