

HOUSE BILL 1043

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CF SB 832

By: **Delegates McComas and Wivell**

Introduced and read first time: February 10, 2023

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Pregnancy – Coercion**
3 **(Coercive Abuse Against Mothers Prevention Act)**

4 FOR the purpose of prohibiting an individual from committing or threatening certain
5 actions with the intent of coercing a pregnant woman to have an abortion; providing
6 that a pregnant minor is considered an emancipated minor for purposes of eligibility
7 for public assistance if the minor is denied financial support from a parent or
8 guardian due to the minor’s refusal to have an abortion; requiring a health care
9 facility that performs abortions to post certain signs in certain rooms of the facility;
10 requiring employees and volunteers of a health care facility that performs abortions
11 to make a certain report under certain circumstances; requiring health care
12 providers to comply with a certain waiting period before performing an abortion if
13 an employee or a volunteer suspects that a pregnant woman is being coerced into
14 having an abortion; and generally relating to abortion.

15 BY adding to

16 Article – Health – General
17 Section 20–217 through 20–224 to be under the new part “Part V. Coercive Actions”
18 Annotated Code of Maryland
19 (2019 Replacement Volume and 2022 Supplement)

20 Preamble

21 WHEREAS, Research indicates that violence against pregnant women is a serious
22 problem; and

23 WHEREAS, Many women report that they were coerced into abortions and have
24 suffered grievous physical, emotional, psychological, and spiritual harm as a result; and

25 WHEREAS, Victims of sex trafficking are often coerced into abortions due to the
26 circumstances of sex trafficking; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, More cases of coerced or attempted coerced abortions are reported if
2 women are informed of their rights and provided information concerning treatment and
3 protection options; and

4 WHEREAS, More women and victims of sex trafficking can receive treatment for
5 coercive abuse if they are informed of their rights and given information concerning
6 treatment and protection options; and

7 WHEREAS, Coercive abuse is a serious women's health issue because it violates a
8 woman's right to physical and emotional health, freedom of conscience, and freedom to
9 choose whether to continue her pregnancy or have an abortion; now, therefore,

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

12 **Article – Health – General**

13 **20–215. RESERVED.**

14 **20–216. RESERVED.**

15 **PART V. COERCIVE ACTIONS.**

16 **20–217.**

17 **(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS**
18 **INDICATED.**

19 **(B) (1) “ABORTION” MEANS THE ACT OF USING OR PRESCRIBING AN**
20 **INSTRUMENT, A MEDICINE, A DRUG, OR ANY OTHER SUBSTANCE, DEVICE, OR MEANS**
21 **WITH THE INTENT TO TERMINATE THE CLINICALLY DIAGNOSABLE PREGNANCY OF A**
22 **WOMAN, WITH KNOWLEDGE THAT THE TERMINATION BY THOSE MEANS WILL WITH**
23 **REASONABLE LIKELIHOOD CAUSE THE DEATH OF THE UNBORN CHILD.**

24 **(2) “ABORTION” DOES NOT INCLUDE THE USE OR PRESCRIPTION OF**
25 **AN INSTRUMENT, A MEDICINE, A DRUG, OR ANY OTHER SUBSTANCE, DEVICE, OR**
26 **MEANS IF USED OR PRESCRIBED TO:**

27 **(I) SAVE THE LIFE OR PRESERVE THE HEALTH OF AN UNBORN**
28 **CHILD;**

29 **(II) REMOVE A DEAD UNBORN CHILD RESULTING FROM**
30 **SPONTANEOUS PREGNANCY LOSS;**

1 (III) REMOVE AN ECTOPIC PREGNANCY; OR

2 (IV) TREAT A MATERNAL DISEASE OR ILLNESS FOR WHICH THE
3 PRESCRIBED DRUG IS INDICATED.

4 (C) "HEALTH CARE FACILITY" HAS THE MEANING STATED IN § 19-114 OF
5 THIS ARTICLE.

6 (D) "SEX TRAFFICKING" MEANS THE RECRUITMENT, HARBORING,
7 TRANSPORTATION, PROVISION, OBTAINING, PATRONIZING, OR SOLICITING OF AN
8 INDIVIDUAL FOR THE PURPOSE OF A COMMERCIAL SEX ACT THAT IS:

9 (1) INDUCED BY FORCE, FRAUD, OR COERCION; OR

10 (2) PERFORMED BY A MINOR.

11 (E) "VICTIM OF SEX TRAFFICKING" MEANS AN INDIVIDUAL SUBJECTED TO
12 AN ACT OR THE PRACTICE OF SEX TRAFFICKING.

13 20-218.

14 (A) AN INDIVIDUAL WHO KNOWS OR SUSPECTS THAT A WOMAN IS PREGNANT
15 MAY NOT ENGAGE, OR CONSPIRE WITH ANOTHER INDIVIDUAL TO ENGAGE, IN THE
16 FOLLOWING CONDUCT WITH THE INTENT OF DIRECTING THE PREGNANT WOMAN TO
17 HAVE AN ABORTION, BASED ON THE PREGNANT WOMAN DISREGARDING OR
18 REFUSING THE INDIVIDUAL'S DEMAND THAT SHE SEEK AN ABORTION:

19 (1) COMMITTING, ATTEMPTING TO COMMIT, OR THREATENING TO
20 COMMIT PHYSICAL HARM TO THE PREGNANT WOMAN, UNBORN CHILD, OR ANOTHER
21 INDIVIDUAL;

22 (2) COMMITTING, ATTEMPTING TO COMMIT, OR THREATENING TO
23 COMMIT A VIOLATION OF THE CRIMINAL LAW ARTICLE;

24 (3) REVOKING, ATTEMPTING TO REVOKE, OR THREATENING TO
25 REVOKE A SCHOLARSHIP AWARDED TO THE PREGNANT WOMAN BY AN INSTITUTION
26 OF HIGHER EDUCATION;

27 (4) DISCHARGING, ATTEMPTING TO DISCHARGE, OR THREATENING
28 TO DISCHARGE THE PREGNANT WOMAN OR ANOTHER INDIVIDUAL FROM
29 EMPLOYMENT;

30 (5) CHANGING, ATTEMPTING TO CHANGE, OR THREATENING TO

1 CHANGE THE COMPENSATION, TERMS, CONDITIONS, OR PRIVILEGES OF
2 EMPLOYMENT OF THE PREGNANT WOMAN OR ANOTHER INDIVIDUAL;

3 (6) DENYING, ATTEMPTING TO DENY, OR THREATENING TO DENY ANY
4 SOCIAL ASSISTANCE THAT A PREGNANT WOMAN HAS APPLIED FOR, HAS BEEN
5 RECEIVING, OR IS ELIGIBLE FOR;

6 (7) DENYING, REMOVING, OR THREATENING TO DENY OR REMOVE
7 FINANCIAL SUPPORT OR HOUSING FROM A DEPENDENT OF THE PREGNANT WOMAN;

8 (8) SELLING, ATTEMPTING TO SELL, OR THREATENING TO SELL THE
9 PREGNANT WOMAN INTO SEX TRAFFICKING;

10 (9) FORCING, ATTEMPTING TO FORCE, OR THREATENING TO FORCE
11 THE PREGNANT WOMAN TO CONTINUE TO ENGAGE IN SEX TRAFFICKING;

12 (10) SELLING, ATTEMPTING TO SELL, OR THREATENING TO SELL THE
13 PREGNANT WOMAN TO ANOTHER INDIVIDUAL FOR THE PURPOSE OF SEX
14 TRAFFICKING;

15 (11) FORCING, ATTEMPTING TO FORCE, OR THREATENING TO FORCE
16 THE PREGNANT WOMAN TO MOVE TO ANOTHER CITY, STATE, OR COUNTRY, AGAINST
17 HER WILL;

18 (12) SELLING, ATTEMPTING TO SELL, OR THREATENING TO SELL THE
19 UNBORN BABY OF THE PREGNANT WOMAN INTO SEX TRAFFICKING ONCE THE
20 UNBORN BABY IS BORN; OR

21 (13) SEPARATING, ATTEMPTING TO SEPARATE, OR THREATENING TO
22 SEPARATE THE PREGNANT WOMAN FROM THE UNBORN BABY ONCE THE UNBORN
23 BABY IS BORN.

24 (B) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A
25 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

26 (C) THE SENTENCE IMPOSED FOR A VIOLATION OF THIS SECTION SHALL BE
27 CONSECUTIVE TO AND NOT CONCURRENT WITH ANY OTHER SENTENCE IMPOSED
28 FOR ANY CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF THIS
29 SECTION.

30 20-219.

31 (A) (1) A WOMAN WHO IS A VICTIM OF A VIOLATION OF § 20-218 OF THIS

1 SUBTITLE MAY BRING A CIVIL ACTION FOR MONEY DAMAGES AGAINST THE
2 PERPETRATOR, INCLUDING AN ACTION FOR WRONGFUL DEATH UNDER TITLE 3,
3 SUBTITLE 9 OF THE COURTS ARTICLE IF APPLICABLE.

4 (2) AN ACTION MAY BE BROUGHT UNDER THIS SECTION WITHOUT
5 REGARD TO:

6 (I) WHETHER AN ABORTION WAS ACTUALLY PERFORMED;

7 (II) WHETHER THE DEFENDANT WAS CRIMINALLY
8 PROSECUTED; OR

9 (III) THE OUTCOME OF ANY CRIMINAL PROSECUTION.

10 (3) A WOMAN WHO IS SUCCESSFUL IN A CIVIL ACTION UNDER THIS
11 SUBSECTION IS ENTITLED TO REASONABLE ATTORNEY'S FEES.

12 (B) (1) A PREGNANT WOMAN WHO IS THE VICTIM OF A VIOLATION OF §
13 20-218 OF THIS SUBTITLE MAY BRING AN ACTION IN CIRCUIT COURT SEEKING TO
14 PREVENT THE PERPETRATOR FROM COMMITTING A SUBSEQUENT VIOLATION OR
15 CEASE AN ONGOING VIOLATION OF § 20-218 OF THIS SUBTITLE.

16 (2) IN AN ACTION BROUGHT UNDER PARAGRAPH (1) OF THIS
17 SUBSECTION, THE COURT SHALL:

18 (I) PROVIDE THE PREGNANT WOMAN WITH COUNSEL IF
19 REQUESTED; AND

20 (II) GRANT ANY RELIEF NECESSARY TO PREVENT FURTHER
21 VIOLATION OR CEASE AN ONGOING VIOLATION OF § 20-218 OF THIS SUBTITLE.

22 20-220.

23 (A) IF A MINOR IS DENIED FINANCIAL SUPPORT FROM A PARENT,
24 GUARDIAN, OR CUSTODIAN DUE TO THE MINOR'S REFUSAL TO HAVE AN ABORTION,
25 THE MINOR SHALL BE CONSIDERED AN EMANCIPATED MINOR FOR PURPOSES OF
26 ELIGIBILITY FOR PUBLIC ASSISTANCE BENEFITS.

27 (B) ANY PUBLIC ASSISTANCE BENEFITS PROVIDED TO A MINOR
28 EMANCIPATED UNDER THIS SECTION MAY NOT BE USED TO OBTAIN AN ABORTION.

29 20-221.

1 AS A CONDITION OF LICENSURE, A HEALTH CARE FACILITY THAT PERFORMS
2 ABORTIONS SHALL:

3 (1) POST SIGNS CONSPICUOUSLY IN A WAITING ROOM,
4 CONSULTATION ROOM, AND PROCEDURE ROOM STATING THE FOLLOWING:

5 “IT IS AGAINST THE LAW FOR ANYONE, REGARDLESS OF HIS OR HER
6 RELATIONSHIP TO YOU, TO FORCE YOU TO HAVE AN ABORTION. YOU HAVE THE
7 RIGHT TO CONTACT ANY STATE OR LOCAL LAW ENFORCEMENT OR SOCIAL SERVICE
8 AGENCY TO RECEIVE PROTECTION FROM ANY ACTUAL OR THREATENED PHYSICAL,
9 EMOTIONAL, OR PSYCHOLOGICAL ABUSE. IT IS AGAINST THE LAW TO PERFORM,
10 INDUCE, PRESCRIBE FOR, OR PROVIDE YOU WITH THE MEANS FOR AN ABORTION
11 WITHOUT YOUR VOLUNTARY CONSENT.”; AND

12 (2) POST CONSPICUOUS SIGNS IN A WAITING ROOM, CONSULTATION
13 ROOM, AND PROCEDURE ROOM THAT INCLUDE:

14 (I) INFORMATION ON HOW TO REPORT SEX TRAFFICKING AND
15 A STATEMENT THAT VICTIMS OF HUMAN TRAFFICKING ARE PROTECTED UNDER
16 INTERNATIONAL, FEDERAL, AND STATE LAW; AND

17 (II) INFORMATION AND VISUAL REPRESENTATION ON HOW TO
18 USE AMERICAN SIGN LANGUAGE TO INDICATE THAT THE PREGNANT WOMAN IS
19 BEING SEX TRAFFICKED.

20 20-222.

21 (A) BEFORE PERFORMING AN ABORTION OR DISPENSING AN
22 ABORTION-INDUCING DRUG, A HEALTH CARE PROVIDER SHALL, IN A PRIVATE
23 ROOM:

24 (1) ASK THE PREGNANT WOMAN IF SHE IS BEING COERCED,
25 THREATENED, OR FORCED TO HAVE AN ABORTION;

26 (2) ASK THE PREGNANT WOMAN IF SHE IS BEING SEX TRAFFICKED;

27 (3) OFFER TO PROVIDE THE PREGNANT WOMAN WITH INFORMATION
28 ABOUT ASSISTANCE, COUNSELING, AND PROTECTIVE SERVICES OFFERED BY SOCIAL
29 SERVICES AND LAW ENFORCEMENT AGENCIES;

30 (4) PROVIDE THE PREGNANT WOMAN WITH A TELEPHONE THAT SHE
31 MAY USE TO MAKE A PRIVATE PHONE CALL; AND

1 **(5) PROVIDE THE PREGNANT WOMAN WITH AN ALTERNATIVE EXIT**
2 **FROM THE FACILITY.**

3 **(B) (1) AN EMPLOYEE OR A VOLUNTEER OF A HEALTH CARE FACILITY**
4 **WHO KNOWS, ALLEGES, OR SUSPECTS A PREGNANT WOMAN TO BE A VICTIM OF A**
5 **VIOLATION OF § 20–218 OF THIS SUBTITLE PERSONALLY SHALL MAKE A REPORT TO**
6 **A LOCAL LAW ENFORCEMENT AGENCY WITHIN 48 HOURS AFTER THE DISCOVERY OF**
7 **THE KNOWLEDGE, ALLEGATION, OR SUSPICION.**

8 **(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS**
9 **SUBSECTION SHALL CONTAIN:**

10 **(I) THE NAME AND ADDRESS OF THE PREGNANT WOMAN;**

11 **(II) IF THE PREGNANT WOMAN IS A MINOR, THE NAME AND**
12 **ADDRESS OF A PARENT OR GUARDIAN OF THE MINOR; AND**

13 **(III) ANY RELEVANT INFORMATION THE EMPLOYEE OR**
14 **VOLUNTEER HAS RELATING TO THE KNOWN, ALLEGED, OR SUSPECTED COERCION.**

15 **(3) IF AN EMPLOYEE OR A VOLUNTEER KNOWS, ALLEGES, OR**
16 **SUSPECTS THAT A PREGNANT WOMAN IS A VICTIM OF A VIOLATION OF § 20–218 OF**
17 **THIS SUBTITLE, A HEALTH CARE PROVIDER SHALL ORALLY INFORM THE PREGNANT**
18 **WOMAN THAT:**

19 **(I) COERCION IS PROHIBITED UNDER § 20–218 OF THIS**
20 **SUBTITLE;**

21 **(II) THE PREGNANT WOMAN MAY HAVE LEGAL REMEDIES; AND**

22 **(III) A REQUEST OR DEMAND FOR AN ABORTION MADE BY THE**
23 **FATHER OF THE UNBORN CHILD DOES NOT RELIEVE THE FATHER OF HIS FINANCIAL**
24 **SUPPORT RESPONSIBILITIES.**

25 **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
26 **HEALTH CARE PROVIDER MAY NOT PERFORM AN ABORTION ON A PREGNANT WOMAN**
27 **WHO IS KNOWN, ALLEGED, OR SUSPECTED TO BE A VICTIM OF A VIOLATION OF §**
28 **20–218 OF THIS SUBTITLE WITHIN 24 HOURS AFTER THE LATER OF:**

29 **(I) THE DISCOVERY OF THE KNOWLEDGE, ALLEGATION, OR**
30 **SUSPICION; OR**

31 **(II) INFORMING THE PREGNANT WOMAN OF HER RIGHTS UNDER**

1 SUBSECTIONS (A) AND (B)(3) OF THIS SECTION.

2 **(2) THE 24-HOUR WAITING PERIOD REQUIRED UNDER PARAGRAPH**
3 **(1) OF THIS SUBSECTION MAY BE WAIVED IF, IN A PHYSICIAN’S BEST MEDICAL**
4 **JUDGMENT, AN ABORTION IS NECESSARY TO PREVENT THE DEATH OF THE**
5 **PREGNANT WOMAN OR SUBSTANTIAL AND IRREVERSIBLE INJURY TO ONE OF THE**
6 **PREGNANT WOMAN’S MAJOR BODILY FUNCTIONS.**

7 **(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**
8 **AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.**

9 **(E) A HEALTH CARE FACILITY MAY NOT EMPLOY AN INDIVIDUAL OR ALLOW**
10 **AN INDIVIDUAL TO VOLUNTEER IF THE INDIVIDUAL HAS COMMITTED A VIOLATION**
11 **OF THIS SECTION.**

12 **20-223.**

13 **ON THE REQUEST OF THE INDIVIDUAL REPORTING AN ALLEGED VIOLATION**
14 **OF § 20-218 OR § 20-222 OF THIS SUBTITLE, A LAW ENFORCEMENT AGENCY SHALL**
15 **NOTIFY THE INDIVIDUAL MAKING THE REPORT AT LEAST 12 HOURS BEFORE THE**
16 **LAW ENFORCEMENT AGENCY’S INITIAL CONTACT WITH THE ALLEGED VIOLATOR.**

17 **20-224.**

18 **THIS PART MAY NOT BE CONSTRUED TO ALTER EXISTING CRIMINAL LAW**
19 **REGARDING CRIMES ARISING FROM SEX TRAFFICKING.**

20 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
21 **October 1, 2023.**