

# SENATE BILL 832

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HB 1167/22 – HGO

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CF 3lr2261

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By: **Senators Carozza, Ready, Gallion, Salling, and Folden**

Introduced and read first time: February 6, 2023

Assigned to: Finance

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## 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

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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: AND

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

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

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

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

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

19 20–222.

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

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

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

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

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

31 (5) PROVIDE THE PREGNANT WOMAN WITH AN ALTERNATIVE EXIT  
32 FROM THE FACILITY.

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

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

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

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

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

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

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

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

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

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

27                   **(I) THE DISCOVERY OF THE KNOWLEDGE, ALLEGATION, OR**  
28 **SUSPICION; OR**

29                   **(II) INFORMING THE PREGNANT WOMAN OF HER RIGHTS UNDER**  
30 **SUBSECTIONS (A) AND (B)(3) OF THIS SECTION.**

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

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

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

11 **20–223.**

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

16 **20–224.**

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

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