

**Department of Legislative Services**  
Maryland General Assembly  
2011 Session

**FISCAL AND POLICY NOTE**

House Bill 19 (Delegate Smigiel)  
Health and Government Operations

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**Health - Abortions - Location of Procedure**

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This bill requires that, if an abortion procedure is begun in the State, the entire abortion procedure must be performed in the State. However, the bill further specifies that an abortion patient may be transported across State lines in the event that an emergency exists and the abortion provider determines that transporting the patient across State lines is necessary to protect the life or health of the patient.

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**Fiscal Summary**

**State Effect:** The bill's requirements do not affect governmental finances.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** The State may not interfere with a woman's decision to end a pregnancy before the fetus is viable or at any time during a woman's pregnancy if the procedure is necessary to protect the life or health of the woman or the fetus is affected by a genetic defect or serious deformity or abnormality. A viable fetus is one that has a reasonable likelihood of surviving outside of the womb.

If an abortion is provided, it must be performed by a licensed physician. A physician is not liable for civil damages or subject to a criminal penalty for a decision to perform an abortion made in good faith and in the physician's best medical judgment following accepted standards of medical practice.

Maryland law does not specifically address whether a patient may be transported across State lines during an abortion procedure.

**Background:** In 2008, 1.2 million American women obtained abortions, producing a rate of 19.6 abortions per 1,000 women of reproductive age. (This represents a 1% increase since 2005, when the abortion rate was 19.4 abortions per 1,000 women.) In Maryland in 2008, 34,290 women obtained abortions at a rate of 29 abortions per 1,000 women of reproductive age. (This represents an 8% decrease in abortions performed in Maryland since 2000, when the rate was 31.5 abortions per 1,000 women.) However, 87% of U.S. counties had no abortion provider in 2008 and one-third of American women lived in these counties. Therefore, it is likely that some women who received abortions in Maryland were from other states, while some Maryland residents received abortions in other states. For this reason, the Maryland rate may not accurately reflect the abortion rate of State residents.

In December 2010, the Maryland Board of Physicians permanently revoked the license of a physician who worked for an abortion clinic that allegedly started abortion procedures in Voorhees, New Jersey before transporting patients to Elkton, Maryland, where the procedures were completed. In summer 2010, one of these procedures resulted in a teenaged patient's need for emergency surgery at Johns Hopkins.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Guttmacher Institute, Office of the Attorney General, Department of Health and Mental Hygiene, Department of Legislative Services

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mc/mwc

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