



Maryland | RANKING 34

Maryland provides virtually no legal protection for women and unborn children. It does not have an informed consent law, its parental notice law contains a loophole that eviscerates the protection this requirement typically provides, and it does not provide meaningful legal recognition and protection to unborn victims of criminal violence. It is also one of a small number of states that permits and funds destructive embryo research.

ABORTION

- Maryland maintains a Freedom of Choice Act. The Act mandates a right to abortion even if *Roe v. Wade* is eventually overturned, specifically providing that the state may not “interfere with the decision of a woman to terminate a pregnancy... 1) before the fetus is viable, 2) if the procedure is necessary to protect the life or health of the woman, or 3) if the unborn child is afflicted by a genetic defect or serious deformity.”
- Under current Maryland law, an unmarried minor under the age of 18 who lives with a parent may not undergo an abortion unless one parent has been notified by the physician. However, the law contains a significant loophole: a minor may obtain an abortion without parental notification if, in the professional judgment of the physician, notice to the parent may lead to physical or emotional abuse of the minor, the minor is mature and capable of giving informed consent to an abortion, or notice would not be in the “best interests” of the minor.
- In 2012, the state Department of Health and Mental Hygiene announced that abortion facilities will have to be licensed and meet minimum health and safety standards modeled after existing standards for outpatient surgical centers.
- Only licensed physicians may perform abortions.
- Maryland taxpayers are required by statute to pay for “medically necessary” abortions for women eligible for public assistance. This requirement essentially equates to funding abortion-on-demand in light of the U.S. Supreme Court’s broad definition of “health” in the context of abortion.
- Maryland offers “Choose Life” license plates, the proceeds of which benefit organizations providing abortion alternatives.

LEGAL RECOGNITION AND PROTECTION OF UNBORN CHILDREN AND NEWLY BORN INFANTS

- Maryland law does not affirmatively protect infants born alive during botched abortions.
- Maryland recognizes a “viable fetus” as a distinct victim of murder, manslaughter, or unlawful homicide. However, the law explicitly states that its enactment should not be construed as conferring “personhood” on the unborn child.
- It allows a wrongful death (civil) action when a viable unborn child is killed through a negligent or criminal act.
- Maryland has a “Baby Moses” law, establishing a safe haven for mothers to legally leave their infants up to ten days of age at designated places and ensuring that the infants receive appropriate care and protection.

- Maryland law provides that a child is not receiving proper care if he/she is born exposed to methamphetamine or if the mother tests positive for methamphetamine upon admission to the hospital for delivery of the infant. It funds drug treatment programs for pregnant women and newborns.
- A healthcare provider must report the delivery of an infant exposed to controlled substances to a local social services office. The report alone will not automatically trigger a child abuse or neglect investigation.

BIOETHICS LAWS

- Maryland prohibits cloning to produce children, but not cloning for biomedical research, making it a “clone-and-kill” state.
- Maryland maintains a Stem Cell Research Fund that allows and funds destructive embryonic research. However, funds may also be used for adult stem-cell research.
- Maryland does not prohibit fetal experimentation.
- Umbilical cord blood donation educational materials are to be distributed to all pregnant patients.
- Maryland does not regulate assisted reproductive technologies, but does maintain laws on the parentage of children conceived using such technologies.
- Maryland appears to prohibit the sale or transfer of human eggs for “valuable consideration.”
- It proscribes the use of sperm or eggs from a “known donor” if the donor receives any remuneration for the donation. The prohibition does not apply to anonymous donation to a tissue or sperm bank or to a fertility clinic.

PATIENT PROTECTION LAWS

- In Maryland, suicide by physician is considered a felony.

HEALTHCARE FREEDOM OF CONSCIENCE

PARTICIPATION IN ABORTION AND CONTRACEPTION

- Under Maryland law, no person may be required to participate in or refer to any source for medical procedures that result in an abortion.
- A hospital is not required to permit the performance of abortions within its facilities or to provide referrals for abortions.
- Health insurance plans that provide prescription coverage must also provide coverage for contraception. There is a conscience exemption for religious employers.

PARTICIPATION IN RESEARCH HARMFUL TO HUMAN LIFE

- Maryland currently provides no protection for the rights of healthcare providers who conscientiously object to participation in human cloning, destructive embryo research, or other forms of medical research that violate a provider’s moral or religious beliefs.

WHAT HAPPENS AFTER *ROE* IS OVERTURNED?

- Abortion will be legal throughout pregnancy.

RECOMMENDATIONS

FOR MARYLAND

WOMEN'S PROTECTION PROJECT PRIORITIES

- Enhanced penalties and enforcement mechanisms for the state's abortion-related laws
 - Women's Right to Know Act with reflection period
 - Coercive Abuse Against Mothers Prevention Act
 - Women's Health Protection Act (abortion clinic regulations, emergency transfer and admission provisions)
 - Drug-Induced Abortion Information and Reporting Act
 - Meaningful parental involvement law
 - Child Protection Act
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INFANTS' PROTECTION PROJECT PRIORITIES

- Unborn Infants Dignity Act
 - Prenatal Nondiscrimination Act
 - Perinatal Hospice Information Act
 - Born-Alive Infant Protection Act
 - Unborn Infants Wrongful Death Act (for a pre-viable child)
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PATIENT PROTECTION ACT PRIORITIES

- Joint Resolution Opposing Suicide by Physician
 - Charlie Gard Act (formerly the Life Sustaining Care Act)
 - Pain Management Education Act
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ADDITIONAL PRIORITIES

ABORTION

- Repeal State FOCA
- Defunding the Abortion Industry and Advancing Women's Health Act
- Federal Abortion-Mandate Opt-Out Act

LEGAL RECOGNITION AND PROTECTION FOR THE UNBORN

- Crimes Against the Unborn Child Act (protecting the child from conception)
- Pregnant Woman's Protection Act

BIOETHICS

- Human Cloning Prohibition Act
- Destructive Embryo Research Act
- Prohibition on Public Funding of Human Cloning and Destructive Embryo Research Act

HEALTHCARE FREEDOM OF CONSCIENCE

- Healthcare Freedom of Conscience Act