

HOUSE BILL 1518

N2

4lr3458

By: **Delegate Rosenberg**

Introduced and read first time: February 26, 2024

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – Interpretation of Wills – Extrinsic Evidence of Intent**
3 **(Granny’s Law)**

4 FOR the purpose of authorizing, under certain circumstances, a personal representative to
5 petition the Orphans’ Court to interpret a decedent’s will in accordance with the
6 decedent’s intent as demonstrated by certain extrinsic evidence; establishing a
7 certain rebuttable presumption as to a decedent’s intent; authorizing the personal
8 representative to require a certain legatee to demonstrate the use of a legacy under
9 the decedent’s will; authorizing the personal representative to petition the court to
10 issue a certain order or judgment regarding the legacy; applying certain provisions
11 of this Act retroactively to wills probated on or after a certain date; and generally
12 relating to the interpretation of provisions of wills and extrinsic evidence.

13 BY repealing and reenacting, with amendments,
14 Article – Estates and Trusts
15 Section 7–402
16 Annotated Code of Maryland
17 (2022 Replacement Volume and 2023 Supplement)

18 BY adding to
19 Article – Health – General
20 Section 1–103
21 Annotated Code of Maryland
22 (2023 Replacement Volume)

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

25 **Article – Estates and Trusts**

26 7–402.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) The personal representative may petition the court for permission to
2 act in any matter relating to the administration of the estate.

3 (2) (I) 1. THE PERSONAL REPRESENTATIVE MAY PETITION THE
4 COURT TO INTERPRET A WILL IN ACCORDANCE WITH THE INTENT OF THE DECEDENT
5 IF:

6 A. THE WILL CONTAINS A LEGACY FOR A HEALTH
7 PROVIDER OR CHARITABLE ORGANIZATION IN THE HEALTH SECTOR; AND

8 B. THE WILL DOES NOT EXPRESSLY PROVIDE THAT THE
9 LEGACY MUST BE USED TO ADDRESS HEALTH EQUITY ISSUES EVEN THOUGH THE
10 DECEDENT'S LIFE REFLECTED AN ACTIVE INTEREST IN HEALTH EQUITY ISSUES.

11 2. A PERSONAL REPRESENTATIVE WHO PETITIONS A
12 COURT UNDER THIS PARAGRAPH SHALL PRESENT EVIDENCE SATISFACTORY TO THE
13 COURT, INCLUDING EVIDENCE OF ACTIONS TAKEN BY THE DECEDENT DURING THE
14 DECEDENT'S LIFETIME, TO DEMONSTRATE THE INTENT OF THE DECEDENT UNDER
15 THIS SUBPARAGRAPH THAT THE LEGACY TO THE HEALTH PROVIDER OR
16 CHARITABLE ORGANIZATION IN THE HEALTH SECTOR MUST BE USED TO ADDRESS
17 HEALTH EQUITY ISSUES.

18 (II) A PERSONAL REPRESENTATIVE'S PRESENTATION OF
19 EVIDENCE IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL
20 CREATE A REBUTTABLE PRESUMPTION AS TO THE INTENT OF THE DECEDENT AND
21 UNLESS EVIDENCE IS PRESENTED TO REBUT THE PRESUMPTION, THE COURT SHALL
22 INTERPRET THE WILL IN ACCORDANCE WITH THE INTENT OF THE DECEDENT.

23 (III) 1. FOR THE PERIOD BEGINNING 6 MONTHS AFTER THE
24 PROBATE OF THE ESTATE AND ENDING 3 YEARS AFTER THE PROBATE OF THE
25 ESTATE, A PERSONAL REPRESENTATIVE WHO PETITIONS THE COURT UNDER
26 SUBPARAGRAPH (I)1 OF THIS PARAGRAPH MAY REQUIRE A LEGATEE DESCRIBED
27 UNDER SUBPARAGRAPH (I)1A OF THIS PARAGRAPH TO DEMONSTRATE HOW THE
28 LEGACY WAS USED BY THE LEGATEE.

29 2. IF THE LEGATEE FAILS TO DEMONSTRATE THAT THE
30 LEGACY WAS USED IN ACCORDANCE WITH THE INTERPRETATION OF THE WILL
31 UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE PERSONAL REPRESENTATIVE
32 MAY PETITION THE COURT TO ISSUE:

33 A. AN ORDER REQUIRING THE BENEFICIARY TO RETURN
34 THE LEGACY TO THE ESTATE; OR

1 **B. A JUDGMENT REQUIRING THE LEGATEE TO PAY THE**
2 **ESTATE THE VALUE OF THE LEGACY.**

3 (b) The court may pass any order it considers proper.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
5 as follows:

6 **Article – Health – General**

7 **1–103.**

8 **IT IS THE POLICY OF THE STATE TO OPPOSE AND ALLEVIATE ANY DISPARITY**
9 **IN HEALTH OUTCOMES FOR AND AMONG RACIAL GROUPS IN THE STATE RESULTING**
10 **FROM THE PROVISION OF TREATMENT OTHERWISE AVAILABLE TO ASSIST THE**
11 **PUBLIC IN GENERAL, AND TO ENCOURAGE AND SUPPORT THE MAKING OF GIFTS AND**
12 **BEQUESTS CONSISTENT WITH THIS POLICY TO ADDRESS AND ALLEVIATE SUCH**
13 **HEALTH DISPARITIES.**

14 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be
15 construed to apply retroactively to any will probated on or after October 1, 2021.

16 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2024.