

# HOUSE BILL 884

J1, F2  
HB 1043/23 – HGO

4lr3288  
CF SB 862

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By: **Delegates Miller, Adams, Arentz, Ghrist, Hornberger, Hutchinson, Jacobs, McComas, Metzgar, Munoz, Rose, Szeliga, Tomlinson, and Wivell**

Introduced and read first time: February 2, 2024

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Pregnancy – Coercion**  
3 **(Protecting Pregnant Women Against Coercive Abuse and Human Trafficking)**

4 FOR the purpose of prohibiting an individual from committing or threatening certain  
5 actions, including certain actions related to sex trafficking, with the intent of  
6 coercing a pregnant woman to have an abortion; providing that a pregnant minor is  
7 considered an emancipated minor for purposes of eligibility for public assistance if  
8 the minor is denied financial support from a parent or guardian due to the minor's  
9 refusal to have an abortion; requiring health care facilities that perform abortions  
10 and public senior higher education institutions that provide abortion care services to  
11 post certain signs in certain rooms of the facility or institution; 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 (2023 Replacement Volume)

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

22 **Article – Health – General**

23 **20–215. RESERVED.**

24 **20–216. RESERVED.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## PART V. COERCIVE ACTIONS.

20–217.

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

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

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

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

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

(III) REMOVE AN ECTOPIC PREGNANCY; OR

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

(C) “HEALTH CARE FACILITY” HAS THE MEANING STATED IN § 19–114 OF THIS ARTICLE.

(D) “PUBLIC SENIOR HIGHER EDUCATION INSTITUTION” HAS THE MEANING STATED IN § 10–101 OF THE EDUCATION ARTICLE.

(E) “SEX TRAFFICKING” MEANS THE RECRUITMENT, HARBORING, TRANSPORTATION, PROVISION, OBTAINING, PATRONIZING, OR SOLICITING OF AN INDIVIDUAL FOR THE PURPOSE OF A COMMERCIAL SEX ACT THAT IS:

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

(2) PERFORMED BY A MINOR.

1 20-218.

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

7 (1) COMMITTING, ATTEMPTING TO COMMIT, OR THREATENING TO  
8 COMMIT PHYSICAL HARM TO THE PREGNANT WOMAN, THE UNBORN CHILD, OR  
9 ANOTHER INDIVIDUAL;

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

12 (3) REVOKING, ATTEMPTING TO REVOKE, OR THREATENING TO  
13 REVOKE A SCHOLARSHIP AWARDED TO THE PREGNANT WOMAN BY AN INSTITUTION  
14 OF HIGHER EDUCATION;

15 (4) DISCHARGING, ATTEMPTING TO DISCHARGE, OR THREATENING  
16 TO DISCHARGE THE PREGNANT WOMAN OR ANOTHER INDIVIDUAL FROM  
17 EMPLOYMENT;

18 (5) CHANGING, ATTEMPTING TO CHANGE, OR THREATENING TO  
19 CHANGE THE COMPENSATION, TERMS, CONDITIONS, OR PRIVILEGES OF  
20 EMPLOYMENT OF THE PREGNANT WOMAN OR ANOTHER INDIVIDUAL;

21 (6) DENYING, ATTEMPTING TO DENY, OR THREATENING TO DENY ANY  
22 SOCIAL ASSISTANCE THAT THE PREGNANT WOMAN HAS APPLIED FOR, HAS BEEN  
23 RECEIVING, OR IS ELIGIBLE FOR;

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

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

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

30 (10) SELLING, ATTEMPTING TO SELL, OR THREATENING TO SELL THE  
31 PREGNANT WOMAN TO ANOTHER INDIVIDUAL FOR THE PURPOSE OF SEX  
32 TRAFFICKING;

1           **(11) FORCING, ATTEMPTING TO FORCE, OR THREATENING TO FORCE**  
2 **THE PREGNANT WOMAN TO MOVE TO ANOTHER CITY, STATE, OR COUNTRY AGAINST**  
3 **HER WILL;**

4           **(12) SELLING, ATTEMPTING TO SELL, OR THREATENING TO SELL THE**  
5 **UNBORN BABY OF THE PREGNANT WOMAN INTO SEX TRAFFICKING ONCE THE**  
6 **UNBORN BABY IS BORN; OR**

7           **(13) SEPARATING, ATTEMPTING TO SEPARATE, OR THREATENING TO**  
8 **SEPARATE THE PREGNANT WOMAN FROM THE UNBORN BABY ONCE THE UNBORN**  
9 **BABY IS BORN.**

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

12           **(C) THE SENTENCE IMPOSED FOR A VIOLATION OF THIS SECTION SHALL BE**  
13 **CONSECUTIVE TO AND NOT CONCURRENT WITH ANY OTHER SENTENCE IMPOSED**  
14 **FOR ANY CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF THIS**  
15 **SECTION.**

16 **20–219.**

17           **(A) (1) A WOMAN WHO IS A VICTIM OF A VIOLATION OF § 20–218 OF THIS**  
18 **SUBTITLE MAY BRING A CIVIL ACTION FOR MONEY DAMAGES AGAINST THE**  
19 **PERPETRATOR, INCLUDING AN ACTION FOR WRONGFUL DEATH UNDER TITLE 3,**  
20 **SUBTITLE 9 OF THE COURTS ARTICLE IF APPLICABLE.**

21           **(2) AN ACTION MAY BE BROUGHT UNDER THIS SECTION WITHOUT**  
22 **REGARD TO:**

23                   **(I) WHETHER AN ABORTION WAS ACTUALLY PERFORMED;**

24                   **(II) WHETHER THE DEFENDANT WAS CRIMINALLY**  
25 **PROSECUTED; OR**

26                   **(III) THE OUTCOME OF ANY CRIMINAL PROSECUTION.**

27           **(3) A WOMAN WHO IS SUCCESSFUL IN A CIVIL ACTION UNDER THIS**  
28 **SUBSECTION IS ENTITLED TO REASONABLE ATTORNEY’S FEES.**

29           **(B) (1) A PREGNANT WOMAN WHO IS THE VICTIM OF A VIOLATION OF §**  
30 **20–218 OF THIS SUBTITLE MAY BRING AN ACTION IN CIRCUIT COURT SEEKING TO**

1 PREVENT THE PERPETRATOR FROM COMMITTING A SUBSEQUENT VIOLATION OR  
2 CEASE AN ONGOING VIOLATION OF § 20–218 OF THIS SUBTITLE.

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

5 (I) PROVIDE THE PREGNANT WOMAN WITH COUNSEL IF  
6 REQUESTED; AND

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

9 20–220.

10 (A) IF A MINOR IS DENIED FINANCIAL SUPPORT FROM A PARENT,  
11 GUARDIAN, OR CUSTODIAN DUE TO THE MINOR’S REFUSAL TO HAVE AN ABORTION,  
12 THE MINOR SHALL BE CONSIDERED AN EMANCIPATED MINOR FOR PURPOSES OF  
13 ELIGIBILITY FOR PUBLIC ASSISTANCE BENEFITS.

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

16 20–221.

17 EACH HEALTH CARE FACILITY THAT PERFORMS ABORTIONS, AS A CONDITION  
18 OF LICENSURE, AND EACH PUBLIC SENIOR HIGHER EDUCATION INSTITUTION THAT  
19 PROVIDES ABORTION CARE SERVICES SHALL:

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

22 “IT IS AGAINST THE LAW FOR ANYONE, REGARDLESS OF HIS OR HER  
23 RELATIONSHIP TO YOU, TO FORCE YOU TO HAVE AN ABORTION. YOU HAVE THE  
24 RIGHT TO CONTACT ANY STATE OR LOCAL LAW ENFORCEMENT OR SOCIAL SERVICE  
25 AGENCY TO RECEIVE PROTECTION FROM ANY ACTUAL OR THREATENED PHYSICAL,  
26 EMOTIONAL, OR PSYCHOLOGICAL ABUSE. IT IS AGAINST THE LAW TO PERFORM,  
27 INDUCE, PRESCRIBE FOR, OR PROVIDE YOU WITH THE MEANS FOR AN ABORTION  
28 WITHOUT YOUR VOLUNTARY CONSENT.”; AND

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

31 (I) INFORMATION ON HOW TO REPORT SEX TRAFFICKING AND

1 A STATEMENT THAT VICTIMS OF HUMAN TRAFFICKING ARE PROTECTED UNDER  
2 INTERNATIONAL, FEDERAL, AND STATE LAW; AND

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

6 20-222.

7 (A) BEFORE PERFORMING AN ABORTION OR DISPENSING AN  
8 ABORTION-INDUCING DRUG, A HEALTH CARE PROVIDER SHALL, IN A PRIVATE  
9 ROOM:

10 (1) ASK THE PREGNANT WOMAN WHETHER SHE IS BEING COERCED,  
11 THREATENED, OR FORCED TO HAVE AN ABORTION;

12 (2) ASK THE PREGNANT WOMAN WHETHER SHE IS BEING SEX  
13 TRAFFICKED;

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

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

19 (5) PROVIDE THE PREGNANT WOMAN WITH AN ALTERNATIVE EXIT  
20 FROM THE FACILITY.

21 (B) (1) AN EMPLOYEE OR A VOLUNTEER OF A HEALTH CARE FACILITY OR  
22 A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION THAT PROVIDES ABORTION  
23 CARE SERVICES UNDER § 15-136 OF THE EDUCATION ARTICLE WHO KNOWS,  
24 ALLEGES, OR SUSPECTS A PREGNANT WOMAN TO BE A VICTIM OF A VIOLATION OF §  
25 20-218 OF THIS SUBTITLE PERSONALLY SHALL MAKE A REPORT TO A LOCAL LAW  
26 ENFORCEMENT AGENCY WITHIN 48 HOURS AFTER THE DISCOVERY OF THE  
27 KNOWLEDGE, ALLEGATION, OR SUSPICION.

28 (2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS  
29 SUBSECTION SHALL CONTAIN:

30 (I) THE NAME AND ADDRESS OF THE PREGNANT WOMAN;

31 (II) IF THE PREGNANT WOMAN IS A MINOR, THE NAME AND

1 ADDRESS OF A PARENT OR GUARDIAN OF THE MINOR; AND

2 (III) ANY RELEVANT INFORMATION THE EMPLOYEE OR  
3 VOLUNTEER HAS RELATING TO THE KNOWN, ALLEGED, OR SUSPECTED COERCION.

4 (3) IF AN EMPLOYEE OR A VOLUNTEER KNOWS, ALLEGES, OR  
5 SUSPECTS THAT A PREGNANT WOMAN IS A VICTIM OF A VIOLATION OF § 20-218 OF  
6 THIS SUBTITLE, A HEALTH CARE PROVIDER SHALL ORALLY INFORM THE PREGNANT  
7 WOMAN THAT:

8 (I) COERCION IS PROHIBITED UNDER § 20-218 OF THIS  
9 SUBTITLE;

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

11 (III) A REQUEST OR DEMAND FOR AN ABORTION MADE BY THE  
12 FATHER OF THE UNBORN CHILD DOES NOT RELIEVE THE FATHER OF HIS FINANCIAL  
13 SUPPORT RESPONSIBILITIES.

14 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A  
15 HEALTH CARE PROVIDER MAY NOT PERFORM AN ABORTION ON A PREGNANT WOMAN  
16 WHO IS KNOWN, ALLEGED, OR SUSPECTED TO BE A VICTIM OF A VIOLATION OF §  
17 20-218 OF THIS SUBTITLE WITHIN 24 HOURS AFTER THE LATER OF:

18 (I) THE DISCOVERY OF THE KNOWLEDGE, ALLEGATION, OR  
19 SUSPICION; OR

20 (II) INFORMING THE PREGNANT WOMAN OF HER RIGHTS UNDER  
21 SUBSECTIONS (A) AND (B)(3) OF THIS SECTION.

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

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

29 (E) A HEALTH CARE FACILITY OR PUBLIC SENIOR HIGHER EDUCATION  
30 INSTITUTION THAT PROVIDES ABORTION CARE SERVICES UNDER § 15-136 OF THE  
31 EDUCATION ARTICLE MAY NOT EMPLOY AN INDIVIDUAL OR ALLOW AN INDIVIDUAL  
32 TO VOLUNTEER IF THE INDIVIDUAL HAS COMMITTED A VIOLATION OF THIS SECTION.

1 **20-223.**

2 **ON THE REQUEST OF THE INDIVIDUAL REPORTING AN ALLEGED VIOLATION**  
3 **OF § 20-218 OR § 20-222 OF THIS SUBTITLE, A LAW ENFORCEMENT AGENCY SHALL**  
4 **NOTIFY THE INDIVIDUAL MAKING THE REPORT AT LEAST 12 HOURS BEFORE THE**  
5 **LAW ENFORCEMENT AGENCY'S INITIAL CONTACT WITH THE ALLEGED VIOLATOR.**

6 **20-224.**

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

9 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
10 **October 1, 2024.**