

Maryland

Md. Criminal Law Code Ann. § 2-103. Murder or manslaughter of viable fetus.

- (a) For purposes of a prosecution under this title, “viable” has the meaning stated in § 20-209 of the Health - General Article.
- (b) Except as provided in subsections (d) through (f) of this section, a prosecution may be instituted for murder or manslaughter of a viable fetus.
- (c) A person prosecuted for murder or manslaughter as provided in subsection (b) of this section must have:
 - (1) intended to cause the death of the viable fetus;
 - (2) intended to cause serious physical injury to the viable fetus; or
 - (3) wantonly or recklessly disregarded the likelihood that the person’s actions would cause the death of or serious physical injury to the viable fetus.
- (d) Nothing in this section applies to or infringes on a woman’s right to terminate a pregnancy as stated in § 20-209 of the Health - General Article.
- (e) Nothing in this section subjects a physician or other licensed medical professional to liability for fetal death that occurs in the course of administering lawful medical care.
- (f) Nothing in this section applies to an act or failure to act of a pregnant woman with regard to her own fetus.
- (g) Nothing in this section shall be construed to confer personhood or any rights on the fetus.

Md. Code Ann., Health–Gen. § 20-103. Abortion.

- (a) In this section, “qualified provider” means a physician, nurse practitioner, nurse-midwife, licensed certified midwife, physician assistant, or any other individual:
 - (1) Who is licensed, certified, or otherwise authorized by law to practice in the State; and
 - (2) For whom the performance of an abortion is within the scope of the individual’s license or certification.
- (b) Except as provided in subsections (c) and (d) of this section, a qualified provider may not perform an abortion on an unmarried minor unless the qualified provider first gives notice to a parent or guardian of the minor.
- (c) The qualified provider may perform the abortion without notice to a parent or guardian if:
 - (1) The minor does not live with a parent or guardian; and
 - (2) A reasonable effort to give notice to a parent or guardian is unsuccessful.
- (d)
 - (1) The qualified provider may perform the abortion, without notice to a parent or guardian of a minor if, in the professional judgment of the qualified provider:
 - (i) Notice to the parent or guardian may lead to physical or emotional abuse of the minor;
 - (ii) The minor is mature and capable of giving informed consent to an abortion; or
 - (iii) Notification would not be in the best interest of the minor.
 - (2) The qualified provider is not liable for civil damages or subject to a criminal penalty for a decision under this subsection not to give notice.

(e) The postal receipt that shows an article of mail was sent by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the last known address of a parent or guardian and that is attached to a copy of the notice letter that was sent in that article of mail shall be conclusive evidence of notice or a reasonable effort to give notice, as the case may be.

(f) A qualified provider may not provide notice to a parent or guardian if the minor decides not to have the abortion.

Md. Criminal Law Code Ann. § 20-207. “Qualified provider” defined.

In Part II of this subtitle, “qualified provider” means an individual:

- (1) Who is licensed, certified, or otherwise authorized by law to practice in the State; and
- (2) For whom the performance of an abortion is within the scope of the individual’s license or certification.

Md. Criminal Law Code Ann. § 20-208. Qualified provider required.

An abortion must be performed by a qualified provider.

Md. Criminal Law Code Ann. § 20-209. Intervention; regulations; liability.

(a) In this section, “viable” means that stage when, in the best clinical judgment of the qualified provider based on the particular facts of the case before the qualified provider, there is a reasonable likelihood of the fetus’s sustained survival outside the womb.

(b) Except as otherwise provided in this subtitle, the State may not interfere with the decision of a woman to terminate a pregnancy:

- (1) Before the fetus is viable; or
- (2) At any time during the woman’s pregnancy, if:
 - (i) The termination procedure is necessary to protect the life or health of the woman; or
 - (ii) The fetus is affected by genetic defect or serious deformity or abnormality.

(c) The Department may adopt regulations that:

- (1) Are both necessary and the least intrusive method to protect the life or health of the woman; and
- (2) Are not inconsistent with established clinical practice.

(d) The qualified provider is not liable for civil damages or subject to a criminal penalty for a decision to perform an abortion under this section made in good faith and in the qualified provider’s best clinical judgment in accordance with accepted standards of clinical practice.