

SENATE BILL 1

E2, J2, J1

5lr0605

(PRE-FILED)

By: **Senators Waldstreicher, Hettleman, and Lam**

Requested: June 3, 2024

Introduced and read first time: January 8, 2025

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Legally Protected Health Care – Reproductive, Fertility Preservation, and**
3 **Contraceptive Treatment and Services**
4 **(IVF and Contraception Shield Act of 2025)**

5 FOR the purpose of altering the definition of “legally protected health care” to include
6 certain reproductive, fertility preservation, and contraceptive treatment, including
7 medications and supplies, for the purposes of certain provisions of law that prohibit
8 health occupations disciplinary actions and certain actions in criminal and civil
9 proceedings and the use of certain resources in furtherance of certain investigations
10 and proceedings related to legally protected health care; and generally relating to
11 legally protected health care.

12 BY repealing and reenacting, without amendments,
13 Article – Courts and Judicial Proceedings
14 Section 9–302(b)(2), 9–402(a), 10–408(c)(5), and 11–802(a)
15 Annotated Code of Maryland
16 (2020 Replacement Volume and 2024 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article – Criminal Procedure
19 Section 9–106(b)
20 Annotated Code of Maryland
21 (2018 Replacement Volume and 2024 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article – Family Law
24 Section 5–1001(a) and (d)
25 Annotated Code of Maryland
26 (2019 Replacement Volume and 2024 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY repealing and reenacting, without amendments,
Article – Health – General
Section 4–208(a)
Annotated Code of Maryland
(2023 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 1–227
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, without amendments,
Article – Insurance
Section 15–810.1(a)(1) and (4)
Annotated Code of Maryland
(2017 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 2–312
Annotated Code of Maryland
(2024 Replacement Volume and 2024 Supplement)

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

Article – Courts and Judicial Proceedings

9–302.

(b) (2) (i) In this paragraph, “legally protected health care” has the meaning stated in § 2–312 of the State Personnel and Pensions Article.

(ii) A judge may not order a person within the State to give testimony or a statement, or produce documents, electronically stored information, or other tangible things under this subsection, in a case where prosecution is pending, or where a grand jury investigation has commenced or is about to commence, for a violation of a criminal law of another state involving the provision of, receipt of, or assistance with legally protected health care in the State, unless the acts forming the basis of the prosecution or investigation would constitute a crime in this State.

9–402.

(a) (1) In this subsection, “legally protected health care” has the meaning stated in § 2–312 of the State Personnel and Pensions Article.

(2) (i) To request issuance of a subpoena under this section, a party shall submit a foreign subpoena to a clerk of the circuit court for the county in which discovery is sought to be conducted in this State.

(ii) The request under subparagraph (i) of this paragraph shall include a sworn, written statement signed under penalty of perjury by the party seeking enforcement, or the party's counsel, that no portion of the subpoena is intended or anticipated to further any investigation or proceeding related to legally protected health care, unless the out-of-state proceeding is:

1. Based in tort, contract, or statute;

2. A claim for which a similar or equivalent claim would exist in the State; and

3. A. Brought by the patient who received legally protected health care, or the patient's legal representative; or

B. Based on conduct that would be prohibited under the laws of this State.

(3) A request for the issuance of a subpoena under this subtitle does not constitute an appearance in the courts of this State.

10-408.

(c) (5) (i) In this paragraph, "legally protected health care" has the meaning stated in § 2-312 of the State Personnel and Pensions Article.

(ii) A judge may not issue an ex parte order under this section for the purpose of investigating or recovering evidence of actions related to legally protected health care, unless the acts forming the basis for the investigation or recovery of evidence would constitute a crime in this State.

11-802.

(a) (1) In this subsection, "legally protected health care" has the meaning stated under § 2-312 of the State Personnel and Pensions Article.

(2) (i) Except as provided in subparagraphs (ii), (iii), and (iv) of this paragraph, a copy of any foreign judgment authenticated in accordance with an act of Congress or statutes of this State may be filed in the office of the clerk of a circuit court.

(ii) If the face amount of the judgment is \$2,500 or less, the copy shall be filed with the clerk of the District Court.

(iii) If the face amount of the judgment is not more than a jurisdictional amount described in § 4–401 of this article, but more than \$2,500, the copy may be filed either with the clerk of the District Court or in the office of the clerk of a circuit court.

(iv) Except as required by federal law, a judgment creditor may not file a copy of any foreign judgment under this section if the judgment was issued in connection with any litigation concerning legally protected health care, unless the underlying cause of action is:

1. Based in tort, contract, or statute;
2. A claim for which a similar or equivalent claim would exist in the State; and
3. A. Brought by the patient who received legally protected health care, or the patient’s legal representative; or
B. Based on conduct that would be prohibited under the laws of this State.

(3) The clerk shall treat the foreign judgment in the same manner as a judgment of the court in which the foreign judgment is filed.

Article – Criminal Procedure

9–106.

(b) (1) In this subsection, “legally protected health care services” has the meaning stated in § 2–312 of the State Personnel and Pensions Article.

(2) Unless compelled by a writ of mandamus issued by a federal court, the Governor may not surrender a person on demand of the executive authority of any other state if the alleged act for which surrender is being demanded relates to providing, procuring, or aiding another in providing or procuring legally protected health care services and the act would not be a crime in the State.

Article – Family Law

5–1001.

(a) In this subtitle the following words have the meanings indicated.

(d) (1) “Assisted reproduction” means a method of causing pregnancy other than sexual intercourse.

(2) “Assisted reproduction” includes:

- (i) intrauterine or intracervical insemination;
- (ii) donation of gametes;
- (iii) donation of embryos;
- (iv) in-vitro fertilization and transfer of embryos; and
- (v) intracytoplasmic sperm injection.

Article – Health – General

4–208.

(a) In this section, “gestational carrier” means a woman other than an intended parent or gamete donor who agrees to become pregnant for an intended parent with the intention of gestating and delivering the child of the intended parent.

Article – Health Occupations

1–227.

(a) (1) In this section the following words have the meanings indicated.

(2) “Health care practitioner” means an individual who is licensed, certified, or otherwise authorized by law to provide health care services under this article.

(3) “Legally protected health care” has the meaning stated in § 2–312 of the State Personnel and Pensions Article.

(b) A health occupations board may not revoke, suspend, discipline, take an adverse action against, or refuse to issue or renew a license, certification, or other authorization to practice for any health care practitioner in whole or in part because of the provision or support of the provision of legally protected health care if the legally protected health care was provided in accordance with the standard of care as determined by the relevant health occupations board established under this article and in accordance with the laws of this State.

(c) A health occupations board may not revoke, suspend, discipline, take an adverse action against, or refuse to issue or renew a license, certification, or other authorization to practice for any health care practitioner if the health care practitioner is disciplined by a licensure board in another state in whole or in part because of the provision or support of the provision of legally protected health care if the legally protected health care was provided in accordance with the standard of care as determined by the relevant health occupations board established under this article and in accordance with the laws of this State.

Article – Insurance

15–810.1.

(a) (1) In this section the following words have the meanings indicated.

(4) (i) “Standard fertility preservation procedures” means procedures to preserve fertility that are consistent with established medical practices and professional guidelines published by the American Society for Reproductive Medicine, the American College of Obstetricians and Gynecologists, or the American Society of Clinical Oncology.

(ii) “Standard fertility preservation procedures” includes sperm and oocyte cryopreservation and evaluations, laboratory assessments, medications, and treatments associated with sperm and oocyte cryopreservation.

(iii) “Standard fertility preservation procedures” does not include the storage of sperm or oocytes.

Article – State Personnel and Pensions

2–312.

(a) (1) In this section the following words have the meanings indicated.

(2) “ASSISTED REPRODUCTION” HAS THE MEANING STATED IN § 5–1001 OF THE FAMILY LAW ARTICLE.

(3) “CONTRACEPTIVE” MEANS A DRUG, DEVICE, OR BIOLOGICAL PRODUCT INTENDED FOR USE IN THE PREVENTION OF PREGNANCY, WHETHER SPECIFICALLY INTENDED TO PREVENT PREGNANCY OR FOR ANY OTHER HEALTH NEED, THAT IS APPROVED, CLEARED, AUTHORIZED, OR LICENSED UNDER 21 U.S.C. § 355, § 360(K), § 360C(F)(2), § 360E, OR § 360BBB–3 OR 42 U.S.C. § 262.

[(2)] (4) “Gender–affirming treatment” has the meaning stated in § 15–151 of the Health – General Article.

(5) “GESTATIONAL CARRIER” HAS THE MEANING STATED IN § 4–208 OF THE HEALTH – GENERAL ARTICLE.

[(3)] (6) “Legally protected health care” means:

(i) all reproductive health services, medications, and supplies related to the direct provision or support of the provision of care related to pregnancy, **[contraception] CONTRACEPTIVES**, assisted reproduction, and abortion that is lawful in the State, **INCLUDING:**

1 **1. ALL ASSISTED REPRODUCTION TREATMENT AND**
2 **STANDARD FERTILITY PRESERVATION PROCEDURES, INCLUDING MEDICATIONS,**
3 **SUPPLIES, AND THE USE OF GESTATIONAL CARRIERS, RELATED TO THE DIRECT**
4 **PROVISION OR SUPPORT OF THE PROVISION OF CARE RELATED TO ASSISTED**
5 **REPRODUCTION OR STANDARD FERTILITY PRESERVATION PROCEDURES THAT IS**
6 **LAWFUL IN THE STATE; AND**

7 **2. ALL CONTRACEPTIVE SERVICES, INCLUDING**
8 **MEDICATIONS, SUPPLIES, AND SURGICAL PROCEDURES, RELATED TO THE DIRECT**
9 **PROVISION OR SUPPORT OF THE PROVISION OF CARE RELATED TO CONTRACEPTIVE**
10 **SERVICES THAT IS LAWFUL IN THE STATE; or**

11 (ii) all gender-affirming treatment, including medications and
12 supplies, related to the direct provision or support of the provision of care related to
13 gender-affirming treatment that is lawful in the State.

14 **(7) “STANDARD FERTILITY PRESERVATION PROCEDURES” HAS THE**
15 **MEANING STATED IN § 15–810.1 OF THE INSURANCE ARTICLE.**

16 (b) This section does not apply to an interstate investigation or proceeding
17 described under subsection (c) of this section if:

18 (1) the interstate investigation or proceeding concerns conduct that would
19 be subject to civil liability, criminal liability, or administrative sanction if committed in the
20 State; or

21 (2) the subject of the interstate investigation or proceeding submits a
22 written request to provide information or assistance to the investigation or proceeding.

23 (c) An agency of the State or a political subdivision of the State, an agent or
24 employee of the State or a political subdivision of the State acting in the agent’s or
25 employee’s official capacity, or a private party providing services on behalf of the State or
26 a political subdivision of the State, may not provide information, expend time or money, or
27 use State facilities, State property, State equipment, State personnel, or other State
28 resources in furtherance of any interstate investigation or proceeding seeking to impose
29 civil or criminal liability on, or administrative sanction against, a person for any activity
30 relating to legally protected health care if the activity would not be subject to civil or
31 criminal liability or professional sanction in the State.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2025.