

STATE LEGAL SNAPSHOT

Maryland

Abortion law, status, and enforcement — one-page reference

As of Jul 12, 2026

Research completed Jul 12, 2026

Confidence: high



Abortion is **protected by the state constitution**, legal at every stage of pregnancy — **no gestational limit**, currently available.

GESTATIONAL LIMIT	None	✓ AVAILABLE	Yes	✓ MOTHER EXEMPT	Yes	FETAL HOMICIDE LAW	Yes	PERSONHOOD LANGUAGE	No
✓ TELEHEALTH	Allowed	WAITING PERIOD	None	RAPE / INCEST EXCEPTION	N/A	PARENTAL INVOLVEMENT	Notification only	✓ SHIELD STATE	Yes
MEDICAID	Broader than Hyde	CIVIL BOUNTY LAW	No	PENDING CHANGE	See below				

§ Jurisdiction overview

Maryland protects abortion through both statute (since 1992) and a constitutional amendment (effective 2025), with no gestational cut-off; post-viability abortion is permitted for life, health, or fetal anomaly.

Md. Const., Declaration of Rights, Art. 48 · Md. Code Ann., Health-Gen. § 20-209

☒ Fetal personhood & the internal contradiction

Maryland's legal treatment of fetal personhood is internally consistent in its refusal to confer personhood on the fetus, but it operates with a practical tension: the state simultaneously (a) protects abortion as a fundamental constitutional right, (b) permits homicide prosecutions for third-party killing of a viable fetus, and (c) permits wrongful-death civil claims for viable fetuses. The key to the consistency is the viability line — the same line drawn in the abortion statute (Health-Gen. § 20-209) serves as the threshold for both the criminal fetal-homicide statute (Crim.

Md. Code Ann., Crim. Law § 2-103(d), (g) · Md. Code Ann., Crim. Law § 2-103(g)

MINORS

Maryland requires that one parent or guardian be notified before an abortion is performed on an unmarried minor, with broad exceptions and no consent requirement.

SPOUSAL / PATERNAL RIGHTS

Maryland has no spousal consent or paternal notice requirement for abortion on the books.

☒ Penalties in effect

ACTOR	OFFENSE	PENALTY
Qualified provider (physician, NP, nurse-midwife, PA)	No abortion-specific criminal offense. Good-faith clinical decisions under § 20-209 are expressly immune from civil damages and criminal penalties.	None for good-faith provision. Bad-faith or unlicensed practice may trigger general professional discipline or criminal laws. Federal Partial-Birth Abortion Ban: fine and/or imprisonment up to 2 years.
Pregnant woman	None. Express exemption from fetal homicide. No abortion-specific offense applies.	None.
Non-provider helper (fund, driver, employer, friend, parent)	None. No statute criminalizes aiding abortion. Shield laws protect against out-of-state extradition and process.	None under Maryland law.
Third party causing coerced ingestion of abortion-inducing drug	Misdemeanor (HB 1186, 2025 session — prohibiting knowingly causing another to ingest an abortion-inducing drug when the person knows or believes the other is pregnant and has not consented).	The bill was introduced and heard in committee in the 2025 session. Its enactment status should be verified. If enacted, would create a new criminal offense for coercive administration.

Recent changes

- Jun 2026

Governor Moore signed HB 750, codifying a state-level version of the federal Emergency Medical Treatment and Labor Act (EMTALA) to ensure emergency abortion care remains protected under state law regardless of changes to federal EMTALA interpretation.
- May 2025

Governor Moore signed HB 930, creating the first-in-the-nation Public Health Abortion Grant Program, which directs unused segregated insurance premium funds to grants for abortion providers and abortion funds serving uninsured and underinsured individuals.
- Jan 2025

Governor Wes Moore signed the proclamation officially enshrining the Right to Reproductive Freedom Amendment (Article 48) into the Maryland Constitution.
- Nov 2024

Maryland voters approved Question 1, the Right to Reproductive Freedom Amendment, by approximately 74%, adding Article 48 to the Maryland Constitution's Declaration of Rights.
- Oct 2024

The Trans Shield Act (SB 119 of 2024) took effect, expanding the definition of 'legally protected health care' to include gender-affirming care under Maryland's shield laws.
- May 2023

Governor Wes Moore signed the Reproductive Health Protection Act (SB 859) and other shield-law legislation, protecting providers, patients, and helpers from out-of-state investigations, extradition, subpoenas, professional discipline, and civil judgments related to legally protected health care.
- Apr 2022

Maryland legislature overrode Governor Larry Hogan's veto to enact the Abortion Care Access Act (HB 937), expanding the definition of 'qualified provider' to include nurse practitioners, nurse-midwives, physician assistants, and licensed certified midwives; requiring Medicaid and private insurance to cover abortion without cost-sharing; and establishing the \$3.5 million annual Abortion Care Clinical Training Program.

Pending changes to watch

Louisiana v. FDA (federal; affects Maryland)

Litigation · U.S. Supreme Court has extended a stay preserving nationwide telehealth mifepristone access pending further review.

If the Supreme Court ultimately upholds the Fifth Circuit decision, telehealth prescribing and mailing of mifepristone would be restricted nationwide, including in Maryland.

HB 49 / 'Heartbeat Bill' (2026 session)

Legislation · Introduced in the 2026 session. Would restrict abortion after detection of a fetal heartbeat.

Would, if enacted and upheld, prohibit abortion after approximately six weeks' gestation.

HB 1131 / 'Pregnancy Outcome Protection Act' (2026 session)

Legislation · Introduced in the 2026 session.

Would further codify protection against criminalization of pregnancy outcomes, including self-managed abortion. Consistent with existing statutory and constitutional protections; would add an explicit statutory shield.

Key authorities

Maryland Constitution, Declaration of Rights, Article 48 (Right to Reproductive Freedom)

MD Const., Decl. of Rights, Art. 48

The supreme source of abortion protection in Maryland, establishing reproductive freedom as a fundamental right subject to strict scrutiny, effective January 17, 2025.

Md. Code, Health-Gen. § 20-209 (State non-interference with abortion)

Md. Code Ann., Health-Gen. § 20-209

The foundational statutory protection, enacted in 1991 and voter-approved in 1992, prohibiting state interference with abortion before viability and post-viability for life, health, or fetal anomaly.

Md. Code, Health-Gen. §§ 20-207, 20-208 (Qualified provider provisions)

Md. Code Ann., Health-Gen. §§ 20-207, 20-208

Defines who may perform abortions — not limited to physicians but includes NPs, nurse-midwives, PAs, and other licensed practitioners within scope.

Md. Code, Health-Gen. § 20-103 (Parental notification)

Md. Code Ann., Health-Gen. § 20-103

The only procedural hurdle in Maryland law: requires notice to one parent for unmarried minors, with broad provider-discretion exceptions substituting for judicial bypass.

Md. Code, Crim. Law § 2-103 (Fetal homicide — viable fetus) Md. Code Ann., Crim. Law § 2-103

Creates homicide liability for killing a viable fetus by a third party, but expressly exempts abortion, the pregnant woman, lawful medical care, and disclaims fetal personhood.

Generated from the structured legal focused deep-research record for MD (research completed 2026-07-12). This snapshot condenses a much larger sourced dataset — full citations, quoted statutory text, and plain-language explanations are in the full Maryland survey. This document has not been reviewed by a lawyer and should not be used as legal advice.