

Department of Legislative Services
 Maryland General Assembly
 2026 Session

FISCAL AND POLICY NOTE
 Third Reader - Revised

House Bill 1143
 Health

(Delegate Lopez, *et al.*)

Finance

Public Health - Office of the Chief Medical Examiner - Perinatal Autopsies
 (Lung Float Test Ban)

This bill prohibits the Chief Medical Examiner, a deputy chief medical officer, an assistant medical examiner, or a pathologist authorized by the Chief Medical Examiner from using a hydrostatic lung test (also known as a lung float test) when performing a perinatal autopsy to determine whether the death resulted in a stillbirth or occurred after a live birth. By December 1, 2027, the Maryland Department of Health (MDH), in consultation with the Office of the Attorney General (OAG) and the Office of the Chief Medical Examiner (OCME), must report to specified committees of the General Assembly on the usefulness and efficacy of the hydrostatic lung test and recommendations as to whether the test is needed as an autopsy tool. **The bill terminates September 30, 2028.**

Fiscal Summary

State Effect: MDH general fund expenditures increase by \$35,700 in FY 2027 and \$18,000 in FY 2028 for staff, as discussed below. Revenues are not affected.

(in dollars)	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	35,700	18,000	0	0	0
Net Effect	(\$35,700)	(\$18,000)	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: OCME is the statewide agency designated by law to investigate deaths from injury, homicide, suicide, under unusual or suspicious circumstances, or when a person is not attended by a physician.

A medical examiner must investigate the death of a human fetus if (1) regardless of the duration of the pregnancy, the death occurs before the complete expulsion or extraction of the fetus from the mother and (2) the mother is not attended by a physician at or after the delivery.

If the medical examiner who investigates a medical examiner's case considers an autopsy necessary, the Chief Medical Examiner, a deputy chief medical examiner, an assistant medical examiner, or an authorized pathologist must perform the autopsy.

State Expenditures: The bill requires MDH, in consultation with OAG and OCME, to complete a specified report by December 1, 2027. MDH advises that current staff resources are not sufficient to complete the required report. Therefore, MDH general fund expenditures increase by \$35,656 in fiscal 2027, which accounts for the bill's October 1, 2026 effective date. This estimate reflects the cost of hiring one part-time contractual health policy analyst to complete the required report. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses. This analysis assumes the contractual position terminates on December 31, 2027, following the completion of the required report.

	<u>FY 2027</u>	<u>FY 2028</u>
Contractual Position	0.5	-0.5
Salary and Fringe Benefits	\$27,557	\$17,336
Operating Expenses	<u>8,099</u>	<u>701</u>
Total State Expenditures	\$35,656	\$18,037

Future year expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State's implementation of the federal Patient Protection and Affordable Care Act.

Additional Comments: According to the [National Association of Medical Examiners](#), the hydrostatic lung test has been deemed unreliable as it is not a diagnostic tool able to stand on its own as the sole determinant of whether an infant is liveborn or stillborn.

OCME advises that the hydrostatic lung test is not generally used when performing a perinatal autopsy.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland State Treasurer's Office; Judiciary (Administrative Office of the Courts); Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - March 2, 2026
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