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Article 43, Section 137(b) (2) requires approval of the hospital abortion review authority, and subsection (c) sets out procedures to be followed by the hospital abortion review authority. In Doe, supra., the Supreme Court revied a Georgia requirement that performance of an abcrctcn be approved in advance by a committee of the medical staff of the hospital in which the abcrctcn is to be performed, and concluded that:

"...the interposition of the hospital abortion committee is unduly restrictive of the patient's rights and needs that, at this point, have already been medically delineated and substantiated by her personal physician." Doe v. Bolton, 410 U. S. at 198.

The Court held that the requirement of approval by a hospital abortion review committee was violative of the Fourteenth Amendment and, accordingly, the requirement of Article 43, Section 137 (b) (2) and (c) is unconstitutional.

To summarize, the effect of the decisions in Roe v. Wade, supra., and Doe v. Bolton, supra., is that: (1) the portions of Article 43, Sections 137 and 139 that require that an abortion be performed in an accredited and licensed hospital are unconstitutional; (2) Article 43, Section 137 (a) (1), (2), (3) and (4) limiting abortions to situations where one or more of the enumerated conditions exist is unconstitutional; (3) Article 43, Section 137(b) insofar as it prohibits abortion after twenty-six weeks gestation (except in the limited circumstances referred to therein) is unconstitutional; and (4) Article 43, Section 137(b) and (c) to the extent that it requires approval of a hospital abortion review committee is unccnstitutional.

The remaining portions of Article 43, Sections 137 and 139 that require abortions to be performed by physicians licensed by the State continue to be valid. Article 1, Section 23, Annotated Code of Maryland provides that provisions of statutes enacted after July 1, 1973 are severable unless specifically provided otherwise. Although Article 43, Sections 137 and 139 were enacted before July 1, 1973, case law applicable to statutes enacted prior to the date contained in Article 1, Section 23 indicates that a court would construe Article 43, Sections 137 and 139 in such a way as to give effect to the requirement that abortions be performed by a physician, Shell Oil Company v. Supervisors of Assessments, 276 Md. 36 (1975).