

137(b) and (c) to the extent that it requires approval of a hospital abortion review committee is unconstitutional.

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).

For further review of the Supreme Court decisions on abortion see, Tepel, "The Fetus: Acorn or Oak Tree", the Forum Law Journal of the University of Baltimore School of Law, January 1977, p.4.; and a report prepared by the Legislative Division of the State Department of Legislative Reference titled "A Report on the Effect of the Supreme Court Decisions on the Maryland Abortion Laws" dated May 1, 1977, which is on file in the Department's library.

The General Assembly may wish to resolve the controversy on these statutes and pass abortion laws that will be constitutional.

PART III. INFORMATION.

20-211. INFORMATION BEFORE ABORTION.

(A) APPLICABILITY OF SECTION.

THIS SECTION DOES NOT APPLY IF THE ATTENDING PHYSICIAN CERTIFIES THAT AN ABORTION IS NECESSARY TO SAVE THE LIFE OF THE WOMAN.

(B) WOMAN TO BE ADVISED OF AVAILABLE ASSISTANCE.

BEFORE A PHYSICIAN PERFORMS AN ABORTION, THE WOMAN UNDERGOING THE PROCEDURE SHALL BE ADVISED OF THE EXTENT TO WHICH:

(1) FINANCIAL AND OTHER MATERIAL ASSISTANCE TO CARRY THE PREGNANCY TO A NORMAL DELIVERY IS AVAILABLE;

(2) FINANCIAL AND OTHER MATERIAL ASSISTANCE TO RAISE AND SUPPORT HER CHILD IS AVAILABLE; AND