

CHAPTER 360

(House Bill 38)

AN ACT concerning

Family Law - Liability for Necessaries - Abolition

FOR the purpose of repealing the doctrine of necessaries that imposes liability on a husband under certain circumstances; and generally relating to a repeal of the liability of a husband for necessaries.

BY repealing

Article - Family Law  
Section 4-302  
Annotated Code of Maryland  
(1984 Volume and 1988 Supplement)

Preamble

WHEREAS, The Court of Appeals of Maryland, in the case of *Condore v. Prince George's County*, 289 Md. 516 (1981), stated that the common law doctrine of necessaries - the husband's liability for the contracts or debts of his wife made for necessaries for herself or for their children - violates the Maryland Equal Rights Amendment and is no longer a part of the common law of the State of Maryland; and

WHEREAS, The Court of Appeals further stated that the statutory provisions that codify the common law doctrine of necessaries are also invalid under the Maryland Equal Rights Amendment; and

WHEREAS, The Court stated that the General Assembly of Maryland should determine whether to extend the common law necessaries doctrine to impose liability on wives, or to eliminate the necessaries doctrine in its entirety; now, therefore,

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

Article - Family Law

[4-302.

(a) As at common law, a husband is liable for any debt or contract that his wife incurs or enters into: