

# SENATE BILL 289

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CF HB 216

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By: **Senators Feldman, Kelley, King, and Pugh**  
Introduced and read first time: January 22, 2016  
Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Preventive Medical Care – Consent by Minors**

3 FOR the purpose of altering a certain provision of law to provide that treatment to which a  
4 minor may consent includes medical care related to prevention of or advice about  
5 sexually transmitted infection and disease; and generally relating to consent to  
6 medical care by minors.

7 BY repealing and reenacting, with amendments,  
8 Article – Health – General  
9 Section 20–102  
10 Annotated Code of Maryland  
11 (2015 Replacement Volume)

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

14 **Article – Health – General**

15 20–102.

16 (a) A minor has the same capacity as an adult to consent to medical or dental  
17 treatment if the minor:

18 (1) Is married;

19 (2) Is the parent of a child; or

20 (3) (i) Is living separate and apart from the minor’s parent, parents, or  
21 guardian, whether with or without consent of the minor’s parent, parents, or guardian; and

22 (ii) Is self–supporting, regardless of the source of the minor’s income.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) A minor has the same capacity as an adult to consent to medical treatment if,  
2 in the judgment of the attending physician, the life or health of the minor would be affected  
3 adversely by delaying treatment to obtain the consent of another individual.

4 (c) A minor has the same capacity as an adult to consent to:

5 (1) Treatment for or advice about drug abuse;

6 (2) Treatment for or advice about alcoholism;

7 (3) Treatment for, **INCLUDING MEDICAL CARE RELATED TO**  
8 **PREVENTION OF** or advice about [venereal disease] **SEXUALLY TRANSMITTED**  
9 **INFECTION AND DISEASE, INCLUDING HIV;**

10 (4) Treatment for or advice about pregnancy;

11 (5) Treatment for or advice about contraception other than sterilization;

12 (6) Physical examination and treatment of injuries from an alleged rape or  
13 sexual offense;

14 (7) Physical examination to obtain evidence of an alleged rape or sexual  
15 offense; and

16 (8) Initial medical screening and physical examination on and after  
17 admission of the minor into a detention center.

18 (c-1) The capacity of a minor to consent to treatment for drug abuse or alcoholism  
19 under subsection (c)(1) or (2) of this section does not include the capacity to refuse treatment  
20 for drug abuse or alcoholism in an inpatient alcohol or drug abuse treatment program  
21 certified under Title 8 of this article for which a parent or guardian has given consent.

22 (d) A minor has the same capacity as an adult to consent to psychological  
23 treatment as specified under subsection (c)(1) and (2) of this section if, in the judgment of  
24 the attending physician or a psychologist, the life or health of the minor would be affected  
25 adversely by delaying treatment to obtain the consent of another individual.

26 (e) A licensed health care practitioner who treats a minor is not liable for civil  
27 damages or subject to any criminal or disciplinary penalty solely because the minor did not  
28 have capacity to consent under this section.

29 (f) Without the consent of or over the express objection of a minor, a licensed  
30 health care practitioner may, but need not, give a parent, guardian, or custodian of the  
31 minor or the spouse of the parent information about treatment needed by the minor or  
32 provided to the minor under this section, except information about an abortion.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2016.