

SENATE BILL 433

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7lr1820
CF HB 1093

By: **Senators Klausmeier, Benson, Eckardt, Kelley, Madaleno, Middleton, Muse, Rosapepe, Salling, and ~~Young~~ Young, Astle, Feldman, Hershey, Jennings, Mathias, Oaks, and Reilly**

Introduced and read first time: January 27, 2017

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 21, 2017

CHAPTER _____

1 AN ACT concerning

2 **Substance Use Treatment – Inpatient and Intensive Outpatient Programs –**
3 **Consent by Minor**

4 FOR the purpose of authorizing a parent or a guardian of the person of a minor to apply,
5 on behalf of the minor, for admission of the minor to a certified intensive outpatient
6 alcohol and drug abuse program; requiring certain programs to note certain
7 information on a certain application in order for an individual to be retained for
8 certain treatment; providing that certain programs have the right to discharge an
9 individual admitted for certain treatment under certain circumstances; providing
10 that the capacity of a minor to consent to treatment for drug abuse or alcoholism
11 does not include the capacity to refuse certain treatment for drug abuse or alcoholism
12 in a certain intensive outpatient treatment program; making a stylistic change; and
13 generally relating to consent of minors for alcohol and drug abuse treatment.

14 BY repealing and reenacting, with amendments,
15 Article – Health – General
16 Section 8–502.1 and 20–102
17 Annotated Code of Maryland
18 (2015 Replacement Volume and 2016 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Health – General

1
2 8–502.1.

3 (a) A parent or guardian of the person of a minor may apply, on behalf of the
4 minor, for admission of the minor to a certified inpatient alcohol and drug abuse program
5 or facility **OR A CERTIFIED INTENSIVE OUTPATIENT ALCOHOL AND DRUG ABUSE**
6 **PROGRAM** under this section.

7 (b) A program or facility may not admit an individual under this section unless
8 the program or facility has determined that:

9 (1) The individual has an alcohol or other drug dependency that
10 necessitates the level of care provided by the program or facility;

11 (2) The individual would benefit from treatment;

12 (3) The parent or guardian making application for admission of the
13 individual understands the nature of the request for admission and the nature of the
14 treatment provided by the program or facility; and

15 (4) Assent to the admission has been given by the Director or the Director's
16 designee of the program or facility.

17 (c) In order for an individual to be retained for treatment under this section:

18 (1) The parent or guardian who applied for admission of the individual
19 shall have the right to be actively involved in treatment; and

20 (2) The **PROGRAM OR** facility [must] **SHALL** note on the application for
21 admission whether or not the minor was admitted in accordance with the provisions of §
22 20–102(c–1) of this article.

23 (d) A **PROGRAM OR** facility has the right to discharge an individual admitted for
24 treatment under this section if the individual is not complying with the treatment program
25 or the facility's policies and procedures.

26 20–102.

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

29 (1) Is married;

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

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

3 (ii) Is self-supporting, regardless of the source of the minor's income.

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

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

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

9 (2) Treatment for or advice about alcoholism;

10 (3) Treatment for or advice about venereal disease;

11 (4) Treatment for or advice about pregnancy;

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

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

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

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

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

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

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

31 (f) Without the consent of or over the express objection of a minor, a licensed
32 health care practitioner may, but need not, give a parent, guardian, or custodian of the

SENATE BILL 433

1 minor or the spouse of the parent information about treatment needed by the minor or
2 provided to the minor under this section, except information about an abortion.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2017.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.