

# SENATE BILL 433

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CF 7lr1031

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By: **Senators Klausmeier, Benson, Eckardt, Kelley, Madaleno, Middleton, Muse, Rosapepe, Salling, and Young**

Introduced and read first time: January 27, 2017

Assigned to: Finance

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## A BILL ENTITLED

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:

21 **Article – Health – General**

22 8–502.1.

23 (a) A parent or guardian of the person of a minor may apply, on behalf of the  
24 minor, for admission of the minor to a certified inpatient alcohol and drug abuse program

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 or facility **OR A CERTIFIED INTENSIVE OUTPATIENT ALCOHOL AND DRUG ABUSE**  
2 **PROGRAM** under this section.

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

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

7 (2) The individual would benefit from treatment;

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

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

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

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

16 (2) The **PROGRAM OR** facility [must] **SHALL** note on the application for  
17 admission whether or not the minor was admitted in accordance with the provisions of §  
18 20-102(c-1) of this article.

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

22 20-102.

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

25 (1) Is married;

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

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

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

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 or advice about venereal disease;

8 (4) Treatment for or advice about pregnancy;

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

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

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

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

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

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

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

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

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