

SENATE BILL 302

J1, J3

9lr0740

By: **Senators Benson and Guzzone**

Introduced and read first time: January 30, 2019

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Mental Health – Electroconvulsive Therapy for Minors – Prohibition**

3 FOR the purpose of prohibiting a person from performing electroconvulsive therapy on a
4 minor; establishing certain penalties for a certain violation of this Act; authorizing
5 an individual to recover civil damages from a certain person and a certain facility
6 under certain circumstances; defining a certain term; and generally relating to
7 electroconvulsive therapy for minors.

8 BY adding to

9 Article – Health – General

10 Section 10–1005

11 Annotated Code of Maryland

12 (2015 Replacement Volume and 2018 Supplement)

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

15 **Article – Health – General**

16 **10–1005.**

17 **(A) IN THIS SECTION, “ELECTROCONVULSIVE THERAPY” MEANS THE**
18 **APPLICATION OF AN ELECTRIC CURRENT TO AN INDIVIDUAL’S BRAIN FOR THE**
19 **PURPOSE OF TREATING A MENTAL DISORDER.**

20 **(B) A PERSON MAY NOT PERFORM ELECTROCONVULSIVE THERAPY ON A**
21 **MINOR.**

22 **(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND**
23 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100,000 OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

2 (D) IN ADDITION TO THE PENALTY ESTABLISHED UNDER SUBSECTION (C)
3 OF THIS SECTION, AN INDIVIDUAL WHO RECEIVED ELECTROCONVULSIVE THERAPY
4 IN VIOLATION OF THIS SECTION MAY RECOVER CIVIL DAMAGES FROM THE PERSON
5 WHO PERFORMED THE ELECTROCONVULSIVE THERAPY AND THE FACILITY IN
6 WHICH THE ELECTROCONVULSIVE THERAPY WAS PERFORMED.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2019.