

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 707
Finance

(Senator Ready, *et al.*)

Health

**Mental Health Law - Definition of Danger to the Life or Safety of the Individual
or of Others and Reports on Emergency Evaluation Petitions (Right to
Treatment)**

This bill defines “danger to the life or safety of the individual or of others” for provisions of law regarding the emergency evaluation of an individual with a mental disorder and the involuntary admission of an individual with a mental disorder to a facility or Veterans’ Administration hospital.

Fiscal Summary

State Effect: To the extent that the Judiciary requires additional staff, Judiciary general fund expenditures increase beginning in FY 2027 by an indeterminate amount. Revenues are not affected.

Local Effect: The bill may affect local police activities and circuit court caseloads.

Small Business Effect: None.

Analysis

Bill Summary: “Danger to the life or safety of the individual or of others” means there is, as a result of a mental disorder, a substantial risk, based on conduct that is recent and relevant to the danger that the individual may present and in consideration of the individual’s current condition and, if available, recent personal, medical, and psychiatric history, that the individual will (1) cause serious bodily harm to the individual or another or (2) be unable, except for reasons of indigence, to provide for the individual’s basic needs or safety to such a degree as to create a substantial risk of serious bodily harm, serious illness, or death in the near future.

Current Law:

Emergency Evaluations

Under the Health – General Article, specified health professionals, a health officer (or designee), a peace officer, or any other interested party may petition for an emergency evaluation of an individual if the petitioner has reason to believe that the individual (1) has a mental disorder and (2) presents a danger to the life or safety of the individual or of others. A peace officer may petition for an emergency evaluation only if the peace officer has personally observed the individual or the individual's behavior, whereas specified health professionals and health officers (or designees) who petition for an emergency evaluation must have examined the individual.

Involuntary Admissions

Under the Health – General Article, an application for involuntary admission of an individual to a facility or Veterans' Administration hospital may be made by any person who has a legitimate interest in the welfare of the individual. In addition to other requirements, the application must (1) state the relationship of the applicant to the individual for whom admission is sought; (2) be signed by the applicant; and (3) be accompanied by the certificates of one physician and one psychologist, two physicians, or one physician and one psychiatric nurse practitioner.

Additionally, within 12 hours of receiving notification from the health care practitioner who has certified an individual for involuntary admission, the Maryland Department of Health (MDH) must receive and evaluate the individual for involuntary admission if certain requirements are met, including that the health care practitioner is unable to place the individual in a facility not operated by MDH.

A facility or Veterans' Administration hospital may not admit an individual under involuntary admission unless (1) the individual has a mental disorder; (2) the individual needs inpatient care or treatment; (3) the individual presents a danger to the life or safety of the individual or of others; (4) the individual is unable or unwilling to be admitted voluntarily; and (5) there is no available, less restrictive form of intervention that is consistent with the welfare and safety of the individual.

Specified health professionals and other interested parties may petition for an emergency evaluation of an individual, which may result in the involuntary admission of the individual to a mental disorder treatment facility, if the petitioner has reason to believe that the individual (1) has a mental disorder and (2) presents a danger to the life or safety of the individual or of others. Petitions for an emergency evaluation must contain specified additional information. If an emergency evaluatee meets the requirements for an involuntary

admission and is unable or unwilling to agree to a voluntary admission, the examining physician must take the steps needed for involuntary admission of the emergency evaluatee to an appropriate facility, which may be a general hospital with a licensed inpatient psychiatric unit. If the examining physician is unable to have the emergency evaluatee admitted to a facility, the physician must notify MDH, which must provide for the admission of an emergency evaluatee to an appropriate facility within six hours of receiving notification.

State Expenditures:

Maryland Department of Health

MDH advises that the bill's changes do not impact the department's hospital facilities.

Judiciary

The Judiciary advises that, in fiscal 2025, 5,008 petitions for emergency evaluation were filed in District Court, and 760 petitions were filed in circuit courts. In fiscal 2024, 4,381 petitions were filed in District Court, and 693 petitions were filed in circuit courts. The Judiciary advises that the altered definition could lead to increased filings of petitions for emergency evaluation, requiring additional court and clerical time, but it is difficult to estimate an exact number of increased petitions. To the extent that petitions increase sufficiently to require additional staff, general fund expenditures for the Judiciary increase indeterminately beginning in fiscal 2027.

Office of the Public Defender

The Office of the Public Defender advises that (1) it handled approximately 8,937 involuntary admission cases in fiscal 2025 and (2) the bill largely reflects current practice. Thus, any operational impact is likely minimal, and any additional costs are likely absorbable within existing budgeted resources.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 1014 (Delegate Woods, *et al.*) - Health.

Information Source(s): Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland Department of Health; Department of Public Safety and

Correctional Services; Department of State Police; Department of Veterans and Military Families; Department of Legislative Services

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