
By: Delegate Greenip

Introduced and read first time: January 29, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Minors - Treatment - Repeal of Immunity from Liability**

3 FOR the purpose of repealing a certain immunity from liability provided to physicians
4 and certain other individuals who treat minors for certain health-related problems.

5 BY repealing and reenacting, with amendments,
6 Article - Health - General
7 Section 20-102
8 Annotated Code of Maryland
9 (1996 Replacement Volume and 1996 Supplement)

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

12 **Article - Health - General**

13 20-102.

14 (a) A minor has the same capacity as an adult to consent to medical treatment if
15 the minor:

16 (1) Is married; or

17 (2) Is the parent of a child.

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

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

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

23 (2) Treatment for or advice about alcoholism;

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

25 (4) Treatment for or advice about pregnancy;

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

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

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

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

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

12 (d) [A physician or an individual under the direction of a physician who treats a
13 minor is not liable for civil damages or subject to any criminal or disciplinary penalty
14 solely because the minor did not have capacity to consent under this section.

15 (e)] Without the consent of or over the express objection of a minor, the attending
16 physician or, on advice or direction of the attending physician, a member of the medical
17 staff of a hospital or public clinic may, but need not, give a parent, guardian, or custodian
18 of the minor or the spouse of the parent information about treatment needed by the
19 minor or provided to the minor under this section, except information about an abortion.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 1997.