

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 1081 (Delegate O'Donnell)
Environmental Matters

Minors - Treatment - Capacity to Consent

This bill restricts the conditions under which a minor has the same capacity as an adult to consent to medical treatment. It repeals (1) the authority of a minor to have the same capacity as an adult to consent to substance abuse treatment and reproductive health treatment; (2) the provision that a physician treating a minor is not liable for civil damages or subject to any criminal or disciplinary penalty because the minor did not have the capacity to consent; and (3) the provision that, without the consent of a minor, a physician is prohibited from giving a parent or guardian information about an abortion.

Fiscal Summary

State Effect: Indeterminate increase in general fund expenditures and minimal increase in general fund revenues.

Local Effect: Indeterminate increase in expenditures. Revenues would not be affected.

Small Business Effect: Potential meaningful effect on small businesses as discussed below.

Fiscal Analysis

State Revenues: General fund revenues could increase by an indeterminate amount as a result of the bill's repeal of a physician's immunity from disciplinary penalties. It is assumed that any increase in disciplinary penalty revenues would be minimal.

State Expenditures: General fund expenditures for substance abuse or other medical treatments could increase to the extent that the bill's provisions result in fewer minors receiving early intervention or prevention services.

Local Expenditures: Expenditures for substance abuse or other medical treatments in local health departments could increase to the extent that the bill's provisions result in fewer

minors receiving early intervention or prevention services.

Small Business Effect: The bill's repeal of the immunity provision could adversely affect physicians in small or individual practices.

Information Source(s): Department of Health and Mental Hygiene (Alcohol and Drug Abuse Administration, Mental Hygiene Administration); Judiciary (Administrative Office of the Courts); Health Claims Arbitration Office; Department of Fiscal Services

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