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By: **Delegates O'Donnell, Conroy, Perry, E. Burns, Morgan, Schade, M. Burns, Rzepkowski, and Ports**

Introduced and read first time: February 5, 1998

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Parental Rights Act of 1998**

3 FOR the purpose of altering a certain condition under which a minor has the same  
4 capacity as an adult to consent to medical treatment; repealing certain authority  
5 concerning the capacity of a minor to consent as an adult to certain types of  
6 treatment; repealing a certain immunity from liability provided to physicians  
7 and certain other individuals who treat minors for certain health-related  
8 problems; and generally relating to the treatment of minors.

9 BY repealing and reenacting, with amendments,  
10 Article - Health - General  
11 Section 20-102  
12 Annotated Code of Maryland  
13 (1996 Replacement Volume and 1997 Supplement)

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

16 **Article - Health - General**

17 20-102.

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

20 (1) Is married; or

21 (2) Is the parent of a child.

22 (b) A minor has the same capacity as an adult to consent to medical treatment  
23 if, in the judgment of the attending physician, the IMMEDIATE life or health of the  
24 minor would be affected adversely by delaying treatment to obtain the consent of  
25 [another individual] THE PARENT, GUARDIAN, OR CUSTODIAN OF THE MINOR.

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

- 1 (1) Treatment for or advice about drug abuse;
- 2 (2) Treatment for or advice about alcoholism;
- 3 (3) Treatment for or advice about venereal disease;
- 4 [(4) Treatment for or advice about pregnancy;
- 5 (5) Treatment for or advice about contraception other than sterilization;]
- 6 [(6)] (4) Physical examination and treatment of injuries from an alleged  
7 rape or sexual offense;
- 8 [(7)] (5) Physical examination to obtain evidence of an alleged rape or  
9 sexual offense; and
- 10 [(8)] (6) Initial medical screening and physical examination on and after  
11 admission of the minor into a detention center.

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

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

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
27 effect October 1, 1998.