
By: **Chairman, Environmental Matters Committee (Departmental - Health and Mental Hygiene)**

Introduced and read first time: February 1, 1999

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Consent to Mental Health Treatment - Minors**

3 FOR the purpose of providing that the capacity of a minor who is 16 years old or
4 older to consent to certain mental health treatment does not include the
5 capacity to refuse treatment to which a parent or guardian consents; and
6 generally relating to minors and the capacity to consent to medical treatment.

7 BY repealing and reenacting, with amendments,
8 Article - Health - General
9 Section 20-104
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 1998 Supplement)

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

14 **Article - Health - General**

15 20-104.

16 (a) (1) A minor who is 16 years old or older has the same capacity as an
17 adult to consent to consultation, diagnosis, and treatment of a mental or emotional
18 disorder by a physician or a clinic.

19 (2) THE CAPACITY OF A MINOR TO CONSENT TO CONSULTATION,
20 DIAGNOSIS, AND TREATMENT OF A MENTAL OR EMOTIONAL DISORDER BY A
21 PHYSICIAN OR A CLINIC UNDER PARAGRAPH (1) OF THIS SUBSECTION DOES NOT
22 INCLUDE THE CAPACITY TO REFUSE CONSULTATION, DIAGNOSIS, OR TREATMENT
23 FOR A MENTAL OR EMOTIONAL DISORDER FOR WHICH A PARENT, GUARDIAN, OR
24 CUSTODIAN OF THE MINOR HAS GIVEN CONSENT.

25 (b) Without the consent of or over the express objection of a minor, the
26 attending physician or, on advice or direction of the attending physician, a member of
27 the medical staff of a hospital or public clinic may, but need not, give a parent,

1 guardian, or custodian of the minor or the spouse of the parent information about
2 treatment needed by the minor or provided to the minor under this section.

3 (c) Unless the parent, guardian, or custodian of a minor consents to
4 consultation, diagnosis, or treatment of the minor, the parent, guardian, or custodian
5 is not liable for any costs of the consultation, diagnosis, or treatment of the minor
6 under this section.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 July 1, 1999.