

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

Senate Bill 112 (Senator Jacobs. *et al.*)

Judicial Proceedings

Harford County - Treatment and Prevention of Drug Abuse by Children

This bill, which applies only to Harford County, authorizes certain governmental entities to share juvenile and specified education records for the purpose of treatment and prevention of drug abuse by the child to whom the record relates. The governmental entities must be participating in a consortium of entities that develops a comprehensive plan for the treatment and prevention of drug abuse by children. An education record pertaining to a student seeking information to overcome a substance abuse problem can only be shared with the consent of the student and the student's parent. Agencies must develop policies and procedures to safeguard the confidentiality and use of the information obtained.

This bill takes effect October 1, 2000, and sunsets on September 30, 2003.

Fiscal Summary

State Effect: None.

Local Effect: Sharing access to certain juvenile and education records would not result in any additional costs; however, it may facilitate the treatment and prevention of drug abuse by children in Harford County.

Small Business Effect: None.

Analysis

Current Law: Police and court records of juveniles are confidential and may not be disclosed except under limited circumstances. Additionally, if a student seeks information to overcome any form of drug abuse from a teacher, counselor, or other professional educator employed by an educational institution, any statement made by the student or an observation or conclusion derived from the statement is not admissible against the student in any proceeding. A rule, regulation, or order may not require disclosure of any information assembled or obtained by an educator through a contact with a student who is seeking to overcome drug abuse.

Background: The Maryland State Department of Education periodically conducts an adolescent survey of middle and high school students on their use of tobacco, alcohol, and drugs. **Exhibit 1** shows the percentage of students in Harford County reporting substance use.

Exhibit 1
Percentage of Students in Harford County Reporting Substance Use

Substance	Grade 6		Grade 10		Grade 12	
	Ever Used	Last 30 Days	Ever Used	Last 30 Days	Ever Used	Last 30 Days
Cigarettes	12.1	4.6	46.4	21.7	62.1	43.3
Beer, wine, wine cooler	15.0	5.8	62.0	46.0	77.6	55.1
Liquor	6.8	2.4	52.3	33.7	68.4	41.1
Five or more servings of alcohol on the same occasion	4.0	1.9	41.3	27.3	63.7	43.3
Marijuana	1.2	1.2	32.0	17.9	54.7	32.1
Any form of alcohol	16.0	5.8	62.3	48.3	78.6	57.7
LSD (acid, stickers)	1.6	1.2	9.4	5.7	28.6	9.4
Heroin (smack, stuff)	0.0	0.0	1.3	1.3	7.2	2.4
Amphetamines	1.4	0.5	13.4	8.3	19.0	6.1
Crack (rock)	0.4	0.4	1.9	1.6	7.2	3.9
Other forms of cocaine	0	0	2.3	1.0	14.3	5.4
Any drug other than alcohol or tobacco	4.5	2.9	36.4	22.6	57.0	36.7

Source: 1996 Maryland Adolescent Survey

The provisions of the bill concerning the disclosure of educational records relating to drug abuse refer to two federal laws. The Family Education Rights and Privacy Act (FERPA) affords certain rights of inspection and review to parents of students who are under the age of 18 with regard to their children's education records. FERPA applies to all schools that receive funding under most programs administered by the Secretary of Education. Under FERPA, with certain exceptions, an "education record" may not be disclosed to a party outside of the school system unless the parent of the student consents.

The Federal Alcohol and Drug Abuse Confidentiality laws generally prohibit the disclosure of any information, written or oral, that would identify a student as either an alcohol or drug abuser, unless the student has specifically consented to the disclosure, including disclosure of the information to parents.

Additional Information

Prior Introductions: This bill was introduced in the 1999 session as SB 196 and HB 695 and received an unfavorable report from the Senate Judicial Proceedings Committee and the House Judiciary Committee. In the 1998 session, the bill was introduced as HB 968 and received an unfavorable report from the House Judiciary Committee

Cross File: None.

Information Source(s): Harford County, Maryland State Department of Education, Department of Legislative Services

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