
By: **Delegates O'Donnell and Owings**
Introduced and read first time: February 1, 2001
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Parental Rights Act of 2001**

3 FOR the purpose of altering certain conditions under which a minor has the same
4 capacity as an adult to consent to medical treatment to make them apply only to
5 those minors over a certain age; repealing a certain exception to a provision of
6 law that authorizes an attending physician or certain medical staff to give
7 certain information to certain persons about treatment needed by or provided to
8 certain minors; 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 (2000 Replacement Volume)

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 OVER THE AGE OF 15 YEARS has the same capacity as an adult to
23 consent to medical treatment if, in the judgment of the attending physician, the life or
24 health of the minor would be affected adversely by delaying treatment to obtain the
25 consent of [another individual] THE PARENT, GUARDIAN, OR CUSTODIAN OF THE
26 MINOR.

1 (c) A minor OVER THE AGE OF 15 YEARS has the same capacity as an adult to
2 consent to:

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

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

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

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
29 effect October 1, 2001.