
By: **Delegates O'Donnell, Owings, Greenip, and Amedori**

Introduced and read first time: February 7, 2002

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Parental Rights Act of 2002**

3 FOR the purpose of altering the age at which a minor has the same capacity as an
4 adult to consent to certain medical treatment; allowing an attending physician
5 to permit certain minors to consent to medical treatment if obtaining consent
6 from certain persons under certain circumstances would adversely affect the
7 minor; allowing certain medical personnel to give certain information about a
8 minor's medical treatment to certain persons without the consent of or over the
9 express objection of the minor; and generally relating to a minor's capacity to
10 consent to medical treatment.

11 BY repealing and reenacting, with amendments,
12 Article - Health - General
13 Section 20-102
14 Annotated Code of Maryland
15 (2000 Replacement Volume and 2001 Supplement)

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

18 **Article - Health - General**

19 20-102.

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

22 (1) Is married; or

23 (2) Is the parent of a child.

24 (b) A minor OVER THE AGE OF 15 YEARS has the same capacity as an adult to
25 consent to medical treatment if, in the judgment of the attending physician, the life or
26 health of the minor would be affected adversely by delaying treatment to obtain the
27 consent of [another individual] THE PARENT, GUARDIAN, OR CUSTODIAN OF THE
28 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 minor has the same capacity as an adult to consent to psychological
20 treatment as specified under subsection (c)(1) and (2) of this section if, in the
21 judgment of the attending physician or a psychologist, the life or health of the minor
22 would be affected adversely by delaying treatment to obtain the consent of another
23 individual.

24 (e) A physician, psychologist, or an individual under the direction of a
25 physician or psychologist who treats a minor is not liable for civil damages or subject
26 to any criminal or disciplinary penalty solely because the minor did not have capacity
27 to consent under this section.

28 (f) Without the consent of or over the express objection of a minor, the
29 attending physician, psychologist or, on advice or direction of the attending physician
30 or psychologist, a member of the medical staff of a hospital or public clinic may, but
31 need not, give a parent, guardian, or custodian of the minor or the spouse of the
32 parent information about treatment needed by the minor or provided to the minor
33 under this section[, except information about an abortion].

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2002.