
By: **Senator Klausmeier**
Introduced and read first time: February 9, 2005
Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Consent Provisions - Minors - Mental or Emotional Disorder**

3 FOR the purpose of authorizing psychologists to give certain individuals information,
4 without the consent of or over the express objection of a minor, about treatment
5 of a mental or emotional disorder needed by a minor or provided to a minor
6 under certain circumstances; and generally relating to the disclosure of
7 information about the treatment of a mental or emotional disorder of a minor.

8 BY repealing and reenacting, with amendments,
9 Article - Health - General
10 Section 20-104
11 Annotated Code of Maryland
12 (2000 Replacement Volume and 2004 Supplement)

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

15 **Article - Health - General**

16 20-104.

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

20 (2) The capacity of a minor to consent to consultation, diagnosis, and
21 treatment of a mental or emotional disorder by a physician, psychologist, or a clinic
22 under paragraph (1) of this subsection does not include the capacity to refuse
23 consultation, diagnosis, or treatment for a mental or emotional disorder for which a
24 parent, guardian, or 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, PSYCHOLOGIST or, on advice or direction of the attending
27 physician, a member of the medical staff of a hospital or public clinic may, but need
28 not, give a parent, guardian, or custodian of the minor or the spouse of the parent

1 information about treatment needed by the minor or provided to the minor under this
2 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 October 1, 2005.