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By: **Senator Klausmeier**

Introduced and read first time: February 9, 2005

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 21, 2005

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 20, 2005

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CHAPTER \_\_\_\_\_

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

1 under paragraph (1) of this subsection does not include the capacity to refuse  
2 consultation, diagnosis, or treatment for a mental or emotional disorder for which a  
3 parent, guardian, or custodian of the minor has given consent.

4 (b) Without the consent of or over the express objection of a minor, the  
5 attending physician, PSYCHOLOGIST or, on advice or direction of the attending  
6 physician, a member of the medical staff of a hospital or public clinic may, but need  
7 not, give a parent, guardian, or custodian of the minor or the spouse of the parent  
8 information about treatment needed by the minor or provided to the minor under this  
9 section.

10 (c) Unless the parent, guardian, or custodian of a minor consents to  
11 consultation, diagnosis, or treatment of the minor, the parent, guardian, or custodian  
12 is not liable for any costs of the consultation, diagnosis, or treatment of the minor  
13 under this section.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2005.