

# HOUSE BILL 340

D4, D1

71r2383

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By: **Delegates Nathan–Pulliam, Benson, Burns, Kipke, Kullen, Montgomery, Morhaim, and Tarrant**

Introduced and read first time: February 1, 2007

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Drug–Exposed Infants – Methamphetamine**

3 FOR the purpose of expanding the definition of a drug–exposed infant to include  
4 exposure to methamphetamine; and generally relating to drug–exposed infants.

5 BY repealing and reenacting, with amendments,  
6 Article – Courts and Judicial Proceedings  
7 Section 3–818  
8 Annotated Code of Maryland  
9 (2006 Replacement Volume)

10 BY repealing and reenacting, with amendments,  
11 Article – Family Law  
12 Section 5–323(a)  
13 Annotated Code of Maryland  
14 (2006 Replacement Volume)

15 BY repealing and reenacting, without amendments,  
16 Article – Family Law  
17 Section 5–323(d)(3)(ii)  
18 Annotated Code of Maryland  
19 (2006 Replacement Volume)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Courts and Judicial Proceedings**

2 3–818.

3 Within 1 year after a child’s birth, there is a presumption that a child is not  
4 receiving proper care and attention from the mother for purposes of § 3–801(f)(2) of  
5 this subtitle if:

6 (1) (i) The child was born exposed to cocaine, heroin,  
7 **METHAMPHETAMINE**, or a derivative of cocaine [or], heroin, **OR**  
8 **METHAMPHETAMINE** as evidenced by any appropriate tests of the mother or child; or

9 (ii) Upon admission to a hospital for delivery of the child, the  
10 mother tested positive for cocaine, heroin, **METHAMPHETAMINE**, or a derivative of  
11 cocaine [or], heroin, **OR METHAMPHETAMINE** as evidenced by any appropriate  
12 toxicology test; and

13 (2) Drug treatment is made available to the mother and the mother  
14 refuses the recommended level of drug treatment, or does not successfully complete  
15 the recommended level of drug treatment.

16 **Article – Family Law**

17 5–323.

18 (a) In this section, “drug” means cocaine, heroin, **METHAMPHETAMINE**, or a  
19 derivative of cocaine [or], heroin, **OR METHAMPHETAMINE**.

20 (d) Except as provided in subsection (c) of this section, in ruling on a petition  
21 for guardianship of a child, a juvenile court shall give primary consideration to the  
22 health and safety of the child and consideration to all other factors needed to  
23 determine whether terminating a parent’s rights is in the child’s best interests,  
24 including:

25 (3) whether:

26 (ii) 1. A. on admission to a hospital for the child’s  
27 delivery, the mother tested positive for a drug as evidenced by a positive toxicology  
28 test; or

1                                   B.     upon the birth of the child, the child tested positive  
2 for a drug as evidenced by a positive toxicology test; and

3                                   2.     the mother refused the level of drug treatment  
4 recommended by a qualified addictions specialist, as defined in § 5–1201 of this title,  
5 or by a physician or psychologist, as defined in the Health Occupations Article;

6                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2007.