

SENATE BILL 472

J1

71r0937

By: **Senator Munson**

Introduced and read first time: February 2, 2007

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Mental Hygiene Law – Petition for Emergency Evaluation – Confidentiality**

3 FOR the purpose of requiring that a certain petition for emergency evaluation be
4 confidential; prohibiting a certain petition for emergency evaluation from being
5 divulged, except by a certain order of the court; providing that a certain section
6 does not prohibit a certain law enforcement agency, the Department of Health
7 and Mental Hygiene, or a local health department from having access to and
8 confidential use of a certain petition for a certain purpose; providing that the
9 Department or a local health department shall be liable for the unauthorized
10 release of a certain petition; requiring the Department or a local health
11 department that has accessed a certain petition to submit a certain report to a
12 certain court within a certain period of time; and generally relating to the
13 confidentiality of a petition for emergency evaluation.

14 BY adding to

15 Article – Health – General

16 Section 10–630

17 Annotated Code of Maryland

18 (2005 Replacement Volume and 2006 Supplement)

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

21 **Article – Health – General**

22 **10–630.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) A PETITION FOR EMERGENCY EVALUATION, MADE UNDER PART IV**
2 **OF THIS SUBTITLE ON OR AFTER JANUARY 1, 2006, IS CONFIDENTIAL AND ITS**
3 **CONTENTS MAY NOT BE DIVULGED, BY SUBPOENA OR OTHERWISE, EXCEPT BY**
4 **ORDER OF THE COURT ON GOOD CAUSE SHOWN.**

5 **(B) (1) THIS SECTION DOES NOT PROHIBIT ACCESS TO AND**
6 **CONFIDENTIAL USE OF A PETITION BY:**

7 **(I) A LAW ENFORCEMENT AGENCY IN THE INVESTIGATION**
8 **AND PROSECUTION OF THE EMERGENCY EVALUEE; OR**

9 **(II) THE DEPARTMENT OR A LOCAL HEALTH DEPARTMENT**
10 **IF THE DEPARTMENT OR LOCAL HEALTH DEPARTMENT IS PROVIDING**
11 **TREATMENT OR CARE TO AN EMERGENCY EVALUEE WHO IS THE SUBJECT OF**
12 **THE PETITION FOR A PURPOSE RELEVANT TO THE TREATMENT OR CARE.**

13 **(2) THE DEPARTMENT OR A LOCAL HEALTH DEPARTMENT SHALL**
14 **BE LIABLE FOR THE UNAUTHORIZED RELEASE OF A PETITION UNDER THIS**
15 **SUBSECTION.**

16 **(3) WITHIN 180 DAYS AFTER THE DEPARTMENT OR A LOCAL**
17 **HEALTH DEPARTMENT ACCESSES A PETITION UNDER THIS SUBSECTION, THE**
18 **DEPARTMENT OR A LOCAL HEALTH DEPARTMENT SHALL SUBMIT A REPORT TO**
19 **THE COURT DETAILING THE PURPOSES FOR WHICH THE PETITION WAS USED.**

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