

# SENATE BILL 686

D4, D1

71r2641  
CF HB 340

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By: **Senators Pugh and Kelley**

Introduced and read first time: February 2, 2007

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 7, 2007

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## CHAPTER \_\_\_\_\_

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 altering the conditions that establish a certain presumption that a child is in  
6 need of assistance by adding methamphetamine to certain provisions relating to  
7 drugs to which a child was born exposed or for which a mother tested positive  
8 upon admission to a hospital for delivery of a child; including  
9 methamphetamine within the definition of the term "drug" for purposes of  
10 certain factors a juvenile court is required to consider in determining whether  
11 termination of a parent's rights is in a child's best interests; and generally  
12 relating to children in need of assistance and termination of parental rights.

13 BY repealing and reenacting, with amendments,  
14 Article - Courts and Judicial Proceedings  
15 Section 3-818  
16 Annotated Code of Maryland  
17 (2006 Replacement Volume)

18 BY repealing and reenacting, with amendments,  
19 Article - Family Law

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 5–323(a)  
2 Annotated Code of Maryland  
3 (2006 Replacement Volume)

4 BY repealing and reenacting, without amendments,  
5 Article – Family Law  
6 Section 5–323(d)(3)(ii)  
7 Annotated Code of Maryland  
8 (2006 Replacement Volume)

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

11 **Article – Courts and Judicial Proceedings**

12 3–818.

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

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

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

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

26 **Article – Family Law**

27 5–323.

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

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

6 (3) whether:

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

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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.