

HOUSE BILL 392

E3

8lr0029

By: **Chair, Judiciary Committee (By Request – Departmental – Juvenile Services)**

Introduced and read first time: January 28, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Services – Mental Health and Substance Abuse Screenings for**
3 **Detained Youth**

4 FOR the purpose of authorizing youth detained by the Department of Juvenile
5 Services to consent to mental health and substance abuse screenings without
6 parental consent; and generally relating to juvenile services.

7 BY repealing and reenacting, with amendments,
8 Article – Health – General
9 Section 20–102
10 Annotated Code of Maryland
11 (2005 Replacement Volume and 2007 Supplement)

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

14 **Article – Health – General**

15 20–102.

16 (a) A minor has the same capacity as an adult to consent to medical
17 treatment if the minor:

18 (1) Is married; or

19 (2) Is the parent of a child.

20 (b) A minor has the same capacity as an adult to consent to medical
21 treatment if, in the judgment of the attending physician, the life or health of the minor

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 would be affected adversely by delaying treatment to obtain the consent of another
2 individual.

3 (c) A minor has the same capacity as an adult to consent to:

4 (1) Treatment for or advice about drug abuse;

5 (2) Treatment for or advice about alcoholism;

6 (3) Treatment for or advice about venereal disease;

7 (4) Treatment for or advice about pregnancy;

8 (5) Treatment for or advice about contraception other than
9 sterilization;

10 (6) Physical examination and treatment of injuries from an alleged
11 rape or sexual offense;

12 (7) Physical examination to obtain evidence of an alleged rape or
13 sexual offense; and

14 (8) Initial medical **AND MENTAL HEALTH AND SUBSTANCE ABUSE**
15 screening and physical examination on and after admission of the minor into a
16 detention center.

17 (c-1) The capacity of a minor to consent to treatment for drug abuse or
18 alcoholism under subsection (c)(1) or (2) of this section does not include the capacity to
19 refuse treatment for drug abuse or alcoholism in an inpatient alcohol or drug abuse
20 treatment program certified under Title 8 of this article for which a parent or guardian
21 has given consent.

22 (d) A minor has the same capacity as an adult to consent to psychological
23 treatment as specified under subsection (c)(1) and (2) of this section if, in the judgment
24 of the attending physician or a psychologist, the life or health of the minor would be
25 affected adversely by delaying treatment to obtain the consent of another individual.

26 (e) A physician, psychologist, or an individual under the direction of a
27 physician or psychologist who treats a minor is not liable for civil damages or subject
28 to any criminal or disciplinary penalty solely because the minor did not have capacity
29 to consent under this section.

30 (f) Without the consent of or over the express objection of a minor, the
31 attending physician, psychologist, or, on advice or direction of the attending physician
32 or psychologist, a member of the medical staff of a hospital or public clinic may, but
33 need not, give a parent, guardian, or custodian of the minor or the spouse of the parent
34 information about treatment needed by the minor or provided to the minor under this
35 section, except information about an abortion.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2008.