

# HOUSE BILL 1339

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8lr3097

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By: **Delegate Morhaim**

Introduced and read first time: February 8, 2008

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Mental Health – Psychiatric Medication – Administration Without Consent**

3 FOR the purpose of altering the reasons for which an individual who is involuntarily  
4 hospitalized may be administered psychiatric medication when the individual  
5 refuses medication; altering a certain definition; and generally relating to the  
6 administration of psychiatric medication without consent.

7 BY repealing and reenacting, with amendments,  
8 Article – Health – General  
9 Section 10–708(a) and (g)  
10 Annotated Code of Maryland  
11 (2005 Replacement Volume and 2007 Supplement)

12 BY repealing and reenacting, without amendments,  
13 Article – Health – General  
14 Section 10–708(b)  
15 Annotated Code of Maryland  
16 (2005 Replacement Volume and 2007 Supplement)

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

19 **Article – Health – General**

20 10–708.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) “Panel” means a clinical review panel that determines, under the  
23 provisions of this section, whether to approve that medication be administered to an  
24 individual who objects to the medication.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (3) “Medication” means psychiatric medication prescribed for the  
2 treatment of a mental disorder **AND THE MEDICATION PRESCRIBED FOR THE**  
3 **TREATMENT OF SIDE EFFECTS CAUSED BY THE PRESCRIBED PSYCHIATRIC**  
4 **MEDICATION.**

5           (4) “Lay advisor” means an individual at a facility, who is  
6 knowledgeable about mental health practice and who assists individuals with rights  
7 complaints.

8           (b) Medication may not be administered to an individual who refuses the  
9 medication, except:

10           (1) In an emergency, on the order of a physician where the individual  
11 presents a danger to the life or safety of the individual or others; or

12           (2) In a nonemergency, when the individual is hospitalized  
13 involuntarily or committed for treatment by order of a court and the medication is  
14 approved by a panel under the provisions of this section.

15           (g) The panel may approve the administration of medication or medications  
16 and may recommend and approve alternative medications if the panel determines  
17 that:

18           (1) The medication is prescribed by a psychiatrist for the purpose of  
19 treating the individual’s mental disorder;

20           (2) The administration of medication represents a reasonable exercise  
21 of professional judgment; and

22           (3) Without the medication, the individual is at substantial risk of  
23 continued hospitalization because of:

24                           (I) **REMAINING A DANGER TO SELF OR OTHERS IN THE**  
25 **FACILITY;**

26                           [(i)] (II) Remaining seriously mentally ill with no significant  
27 relief of the mental illness symptoms that cause the individual to be a danger to the  
28 individual or to others **IF RELEASED FROM THE FACILITY;**

29                           [(ii)] (III) Remaining seriously mentally ill for a significantly  
30 longer period of time with mental illness symptoms that cause the individual to be a  
31 danger to the individual or to others **IF RELEASED FROM THE FACILITY;** or

32                           [(iii)] (IV) Relapsing into a condition in which the individual is  
33 in danger of serious physical harm resulting from the individual’s inability to provide

1 for the individual's essential human needs of health or safety **IF RELEASED FROM**  
2 **THE FACILITY.**

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