

HOUSE BILL 742

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By: **Delegates Rosenberg and Hubbard**

Introduced and read first time: February 5, 2010

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Medical Treatment – Homeless, Abandoned, and Runaway Youth**

3 FOR the purpose of providing that a minor has the same capacity as an adult to
4 consent to medical treatment if the minor is homeless, abandoned, or a
5 runaway, is at least a certain age, and is certified as homeless, abandoned, or a
6 runaway by a certain individual; and generally relating to medical treatment
7 for homeless, abandoned, and runaway youth.

8 BY repealing and reenacting, with amendments,
9 Article – Health – General
10 Section 20–102
11 Annotated Code of Maryland
12 (2009 Replacement Volume)

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

15 **Article – Health – General**

16 20–102.

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

19 (1) Is married; [or]

20 (2) Is the parent of a child; **OR**

21 **(3) IS:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 **(I) HOMELESS, ABANDONED, OR A RUNAWAY;**
2 **(II) AT LEAST 12 YEARS OLD; AND**
3 **(III) CERTIFIED AS HOMELESS, ABANDONED, OR A RUNAWAY**
4 **BY AN EMPLOYEE OF A HOMELESS SHELTER OR BY A HEALTH CARE PROVIDER**
5 **OR SOCIAL WORKER WHO IS NOT PROVIDING MEDICAL TREATMENT TO THE**
6 **MINOR.**

7 (b) A minor has the same capacity as an adult to consent to medical
8 treatment if, in the judgment of the attending physician, the life or health of the minor
9 would be affected adversely by delaying treatment to obtain the consent of another
10 individual.

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

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

13 (2) Treatment for or advice about alcoholism;

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

15 (4) Treatment for or advice about pregnancy;

16 (5) Treatment for or advice about contraception other than
17 sterilization;

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

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

22 (8) Initial medical screening and physical examination on and after
23 admission of the minor into a detention center.

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

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

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

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

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2010.