

HOUSE BILL 1551

J1, D4

0lr3324

By: **Delegates Rose, Barron, Beitzel, Buckel, Ghrist, Griffith, Hornberger, Jacobs, Krebs, Long, Malone, Mautz, McComas, McKay, Queen, Reilly, Saab, Shoemaker, and Wivell**

Introduced and read first time: February 7, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Health Practitioners – Minor Patients – Child Abuse Reporting**

3 FOR the purpose of requiring a certain health practitioner to inform a patient who is a
4 minor that the patient may report child abuse to the health practitioner; and
5 generally relating to health practitioners and child abuse reporting.

6 BY repealing and reenacting, without amendments,

7 Article – Family Law

8 Section 5–701(b), (e), (i), (x), (y), and (z)

9 Annotated Code of Maryland

10 (2019 Replacement Volume)

11 BY adding to

12 Article – Health – General

13 Section 20–2001 to be under the new subtitle “Subtitle 20. Reporting of Abuse to
14 Health Practitioners”

15 Annotated Code of Maryland

16 (2019 Replacement Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Family Law**

20 5–701.

21 (b) (1) “Abuse” means:

22 (i) the physical or mental injury of a child under circumstances that

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 indicate that the child's health or welfare is harmed or at substantial risk of being harmed
2 by:

- 3 1. a parent;
- 4 2. a household member or family member;
- 5 3. a person who has permanent or temporary care or custody
6 of the child;
- 7 4. a person who has responsibility for supervision of the
8 child; or
- 9 5. a person who, because of the person's position or
10 occupation, exercises authority over the child; or

11 (ii) sexual abuse of a child, whether physical injuries are sustained
12 or not.

13 (2) "Abuse" does not include the physical injury of a child by accidental
14 means.

15 (e) "Child" means any individual under the age of 18 years.

16 (i) (1) "Health practitioner" includes any person who is authorized to practice
17 healing under the Health Occupations Article or § 13–516 of the Education Article.

18 (2) "Health practitioner" does not include an emergency medical
19 dispatcher.

20 (x) "Sex trafficking" means the recruitment, harboring, transportation, provision,
21 obtaining, patronizing, or soliciting of a child for the purpose of a commercial sex act.

22 (y) "Sexual abuse" means any act that involves:

- 23 (1) sexual molestation or exploitation of a child by:
 - 24 (i) a parent;
 - 25 (ii) a household member or family member;
 - 26 (iii) a person who has permanent or temporary care or custody of the
27 child;
 - 28 (iv) a person who has responsibility for supervision of the child; or
 - 29 (v) a person who, because of the person's position or occupation,

1 exercises authority over the child; or

2 (2) sex trafficking of a child by any individual.

3 (z) "Sexual molestation or exploitation" includes:

4 (1) allowing or encouraging a child to engage in:

5 (i) obscene photography, films, poses, or similar activity;

6 (ii) pornographic photography, films, poses, or similar activity; or

7 (iii) prostitution;

8 (2) incest;

9 (3) rape;

10 (4) sexual offense in any degree;

11 (5) sodomy; and

12 (6) unnatural or perverted sexual practices.

13 **Article – Health – General**

14 **SUBTITLE 20. REPORTING OF ABUSE TO HEALTH PRACTITIONERS.**

15 **20–2001.**

16 **EACH HEALTH PRACTITIONER, AS DEFINED IN § 5–701 OF THE FAMILY LAW**
17 **ARTICLE, SHALL INFORM A PATIENT WHO IS A MINOR THAT THE PATIENT MAY**
18 **REPORT ABUSE, AS DEFINED IN § 5–701 OF THE FAMILY LAW ARTICLE, TO THE**
19 **HEALTH PRACTITIONER.**

20 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
21 **October 1, 2020.**