

HOUSE BILL 232

D4

(3lr0718)

ENROLLED BILL

— *Judiciary/Judicial Proceedings* —

Introduced by **Delegate Williams**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Child in Need of Assistance – Neglect – Cannabis Use**

3 FOR the purpose of providing that the use of cannabis by a parent or certain other
4 individuals who care for a child does not qualify as neglect except in certain
5 circumstances for purposes of provisions of law applicable to children in need of
6 assistance; and generally relating to children in need of assistance.

7 BY repealing and reenacting, without amendments,
8 Article – Courts and Judicial Proceedings
9 Section 3–801(a) and (f)
10 Annotated Code of Maryland
11 (2020 Replacement Volume and 2022 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Courts and Judicial Proceedings

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.

Italics indicate opposite chamber/conference committee amendments.



Section 3–801(s)
Annotated Code of Maryland
(2020 Replacement Volume and 2022 Supplement)

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

Article – Courts and Judicial Proceedings

3–801.

(a) In this subtitle the following words have the meanings indicated.

(f) “Child in need of assistance” means a child who requires court intervention
because:

(1) The child has been abused, has been neglected, has a developmental
disability, or has a mental disorder; and

(2) The child’s parents, guardian, or custodian are unable or unwilling to
give proper care and attention to the child and the child’s needs.

(s) **(1)** “Neglect” means the leaving of a child unattended or other failure to
give proper care and attention to a child by any parent or individual who has permanent or
temporary care or custody or responsibility for supervision of the child under circumstances
that indicate:

[(1)] (I) That the child’s health or welfare is harmed or placed at
substantial risk of harm; or

[(2)] (II) That the child has suffered mental injury or been placed at
substantial risk of mental injury.

**(2) “NEGLECT” DOES NOT INCLUDE THE USE OF CANNABIS BY ANY
PARENT OR INDIVIDUAL WHO HAS PERMANENT OR TEMPORARY CARE OR CUSTODY
OR RESPONSIBILITY FOR SUPERVISION OF THE CHILD UNLESS, AS A RESULT OF THE
USE OF CANNABIS:**

**(I) THE CHILD’S HEALTH OR WELFARE IS HARMED OR PLACED
AT SUBSTANTIAL RISK OF HARM; OR**

**(II) THE CHILD HAS SUFFERED MENTAL INJURY OR ~~HAS~~ BEEN
PLACED AT SUBSTANTIAL RISK OF MENTAL INJURY.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
~~October~~ July 1, 2023.