

# SENATE BILL 653

D4

(3lr0990)

## ENROLLED BILL

— *Judicial Proceedings/Judiciary* —

Introduced by **Senator Carter**

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.

\_\_\_\_\_  
President.

### 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

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#### 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.



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

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

6 **Article – Courts and Judicial Proceedings**

7 3–801.

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

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

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

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

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

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

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

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

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

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

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