

# SENATE BILL 653

D4

(3lr0990)

## ***ENROLLED BILL***

— *Judicial Proceedings/Judiciary* —

Introduced by **Senator Carter**

Read and Examined by Proofreaders:

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\_\_\_\_\_  
Proofreader.

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\_\_\_\_\_  
Proofreader.

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

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

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

CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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

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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.