

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 653

(Senator Carter)

Judicial Proceedings

Judiciary

Child in Need of Assistance - Neglect - Cannabis Use

This bill alters the definition of “neglect” in statutory provisions that govern child in need of assistance (CINA) proceedings. The bill specifies that 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 (1) the child’s health or welfare is harmed or placed at substantial risk of harm or (2) the child has suffered mental injury or been placed at substantial risk of mental injury. **The bill takes effect July 1, 2023.**

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations.

Local Effect: The bill is not anticipated to materially affect local government finances or operations.

Small Business Effect: None.

Analysis

Current Law: A CINA is a child who requires court intervention because (1) the child has been abused or neglected, has a developmental disability, or has a mental disorder and (2) the child’s parents, guardian, or custodian is unable or unwilling to give proper care and attention to the child and the child’s needs. “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) that the child’s health or

welfare is harmed or placed at substantial risk of harm or (2) that the child has suffered mental injury or has been placed at substantial risk of mental injury. Statutory provisions outline numerous requirements for CINA proceedings.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See HB 1325 and SB 772 of 2022.

Designated Cross File: HB 232 (Delegate Williams) - Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland State's Attorneys' Association; Department of Legislative Services

Fiscal Note History: First Reader - March 13, 2023
km/lgc Third Reader - March 21, 2023
Enrolled - April 24, 2023
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