

HOUSE BILL 1168

J1, O4

0lr3156

By: **Delegate Guzzone**

Introduced and read first time: February 17, 2010

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Consent of Minors for Health Care – Detention and Correctional Facilities**

3 FOR the purpose of repealing a certain provision of law relating to the consent to the
4 immunization of a minor in the care and custody of the Department of Juvenile
5 Services; specifying that a minor has the same capacity as an adult to consent to
6 certain initial screenings, immunizations, and physical examinations if the
7 minor is committed to the custody of certain individuals, under the supervision
8 of the Department, or detained at an adult detention center; and generally
9 relating to the consent of minors for health care.

10 BY repealing

11 Article – Health – General
12 Section 18–4A–03(c)
13 Annotated Code of Maryland
14 (2009 Replacement Volume)

15 BY repealing and reenacting, with amendments,

16 Article – Health – General
17 Section 20–102(c)
18 Annotated Code of Maryland
19 (2009 Replacement Volume)

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

22 **Article – Health – General**

23 18–4A–03.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [(c) When a parent has been contacted and requested to consent to the
2 immunization of a minor, the Department of Juvenile Services may consent to the
3 immunization of a minor in its care and custody if the parent:

4 (1) Has not acted on the request; and

5 (2) Has not expressly denied to the Department of Juvenile Services
6 the authority to consent to the immunization of the minor.]

7 20–102.

8 (c) A minor has the same capacity as an adult to consent to:

9 (1) Treatment for or advice about drug abuse;

10 (2) Treatment for or advice about alcoholism;

11 (3) Treatment for or advice about venereal disease;

12 (4) Treatment for or advice about pregnancy;

13 (5) Treatment for or advice about contraception other than
14 sterilization;

15 (6) Physical examination and treatment of injuries from an alleged
16 rape or sexual offense;

17 (7) Physical examination to obtain evidence of an alleged rape or
18 sexual offense; and

19 (8) Initial medical [screening], **DENTAL, AND MENTAL HEALTH**
20 **SCREENINGS, IMMUNIZATIONS, and physical [examination] EXAMINATIONS** on and
21 after admission of the minor [into a detention center]:

22 **(I) COMMITTED TO THE CUSTODY OF THE COMMISSIONER**
23 **OF CORRECTION;**

24 **(II) COMMITTED TO THE CUSTODY OF THE COMMISSIONER**
25 **OF PRETRIAL DETENTION AND SERVICES;**

26 **(III) UNDER THE SUPERVISION OF THE DEPARTMENT OF**
27 **JUVENILE SERVICES IN ONE OF THE FACILITIES LISTED IN § 9–226 OF THE**
28 **HUMAN SERVICES ARTICLE; OR**

29 **(IV) DETAINED AT AN ADULT DETENTION CENTER.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2010.