

SENATE BILL 772

D4

2lr2552

By: **Senator Carter**

Introduced and read first time: February 7, 2022

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of providing that the use of marijuana 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 relating 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 2021 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 3– 801(s)
15 Annotated Code of Maryland
16 (2020 Replacement Volume and 2021 Supplement)

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

19 **Article – Courts and Judicial Proceedings**

20 3–801.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

13 (2) "NEGLECT" DOES NOT INCLUDE THE USE OF MARIJUANA BY ANY
14 PARENT OR INDIVIDUAL WHO HAS PERMANENT OR TEMPORARY CARE OR CUSTODY
15 OR RESPONSIBILITY FOR SUPERVISION OF THE CHILD UNLESS, AS A RESULT OF THE
16 USE OF MARIJUANA:

17 (I) THE CHILD'S HEALTH OR WELFARE IS HARMED OR PLACED
18 AT SUBSTANTIAL RISK OF HARM; OR

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2022.