

# SENATE BILL 772

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2lr2552  
CF HB 1325

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By: **Senator Carter**

Introduced and read first time: February 7, 2022

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 5, 2022

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## CHAPTER \_\_\_\_\_

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.

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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.



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

2 (f) "Child in need of assistance" means a child who requires court intervention  
3 because:

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

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

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

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

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

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

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

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

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