

SENATE BILL 843

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By: **Senator Sydnor**

Introduced and read first time: February 7, 2022

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Perinatal Care – Drug and Alcohol Testing and Screening – Consent**

3 FOR the purpose of prohibiting health care providers from administering a drug or alcohol
4 test or screen to pregnant and perinatal patients and newborn infants, except under
5 certain circumstances; requiring that a certain form provided by the Maryland
6 Department of Health describe medical, legal, and collateral consequences of a
7 positive drug or alcohol test or screen result; and generally relating to drug and
8 alcohol testing and screening of pregnant and perinatal patients and newborn
9 infants.

10 BY adding to

11 Article – Health – General

12 Section 20–120 to be under the new part “Part V. Pregnant and Perinatal Patients
13 and Newborn Infants”

14 Annotated Code of Maryland

15 (2019 Replacement Volume and 2021 Supplement)

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

18 **Article – Health – General**

19 **20–118. RESERVED.**

20 **20–119. RESERVED.**

21 **PART V. PREGNANT AND PERINATAL PATIENTS AND NEWBORN INFANTS.**

22 **20–120.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) (1) A PHYSICIAN, A NURSE PRACTITIONER, A SOCIAL WORKER,**
2 **HOSPITAL PERSONNEL, OR ANY OTHER HEALTH CARE PROVIDER MAY NOT**
3 **ADMINISTER A DRUG OR ALCOHOL TEST OR DRUG OR ALCOHOL SCREEN TO A**
4 **PREGNANT OR PERINATAL PATIENT, UNLESS:**

5 **(I) ON A FORM PROVIDED BY THE DEPARTMENT, THE HEALTH**
6 **CARE PROVIDER OBTAINS WRITTEN CONSENT TO ADMINISTER THE TEST OR SCREEN**
7 **FROM THE PREGNANT OR PERINATAL PATIENT; AND**

8 **(II) THE ADMINISTRATION OF A DRUG OR ALCOHOL TEST OR**
9 **DRUG OR ALCOHOL SCREEN IS WITHIN THE SCOPE OF THE PERINATAL CARE**
10 **PROVIDED TO THE PATIENT.**

11 **(2) A PHYSICIAN, A NURSE PRACTITIONER, A SOCIAL WORKER,**
12 **HOSPITAL PERSONNEL, OR ANY OTHER HEALTH CARE PROVIDER MAY NOT**
13 **ADMINISTER A DRUG OR ALCOHOL TEST OR DRUG OR ALCOHOL SCREEN TO A**
14 **NEWBORN INFANT, UNLESS, ON A FORM PROVIDED BY THE DEPARTMENT, THE**
15 **PROVIDER OBTAINS WRITTEN CONSENT TO ADMINISTER THE TEST OR SCREEN FROM**
16 **AN INDIVIDUAL WHO IS A PARENT OR AN ASSIGNED LEGAL GUARDIAN OF THE**
17 **NEWBORN INFANT.**

18 **(B) THE FORM PROVIDED BY THE DEPARTMENT UNDER SUBSECTION (A) OF**
19 **THIS SECTION SHALL DESCRIBE THE POTENTIAL MEDICAL, LEGAL, AND**
20 **COLLATERAL CONSEQUENCES OF A POSITIVE DRUG OR ALCOHOL TEST OR SCREEN**
21 **RESULT IN RELATION TO THE PATIENT OR NEWBORN INFANT.**

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