

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 251
Finance

(Senator Lam, *et al.*)

Public Health - Treatment for the Prevention of HIV - Consent by Minors

This bill extends to a minor the same capacity as an adult to consent to treatment for the prevention of human immunodeficiency virus (HIV). The bill also prohibits a licensed health care practitioner from giving a parent or step parent, guardian, or custodian of a minor information about treatment needed by or provided to the minor for the prevention of HIV without the minor's consent or over the minor's express objection.

Fiscal Summary

State Effect: The bill does not materially affect governmental finances or operations.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law: A minor has the same capacity as an adult to consent to medical or dental treatment if the minor is (1) married; (2) the parent of a child; or (3) living separate and apart from the minor's parent(s) or guardian and self-supporting.

A minor has the same capacity as an adult to consent to (1) treatment for or advice about venereal disease, pregnancy, contraception other than sterilization, drug abuse, and alcoholism; (2) physical examination and treatment of injuries from, or to obtain evidence of, an alleged rape or sexual offense; and (3) initial medical screening and physical examination on and after admission of the minor into a detention center.

A minor also has the same capacity as an adult to consent to medical treatment if, in the judgment of the attending physician, the life or health of the minor would be affected adversely by a delay of treatment to obtain another individual's consent.

A licensed health care practitioner who treats a minor is not liable for civil damages or subject to any criminal or disciplinary penalty solely because the minor did not have capacity to consent.

Without the consent of or over the express objection of a minor, a licensed health care practitioner is authorized (but not required) to give certain information regarding treatment (except for information about an abortion) to a minor's parent, step parent, guardian, or custodian.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Association of County Health Officers; Maryland Department of Health; Department of Legislative Services

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an/jc

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