

# SENATE BILL 714

F2, J1

9lr2551

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By: **Senators Carozza and Salling**

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Institutions of Higher Education – Student Drug Use – Parent Notification**

3 FOR the purpose of authorizing an institution of higher education, under certain  
4 circumstances, to notify the parent or legal guardian of a student who is addicted to  
5 drugs, at risk of a drug overdose, or at risk of death from drug use; providing for the  
6 immunity of an institution of higher education from civil liability in a tort claim  
7 under State law for making a certain disclosure; and generally relating to  
8 institutions of higher education providing notification of student drug use.

9 BY adding to

10 Article – Education

11 Section 15–126

12 Annotated Code of Maryland

13 (2018 Replacement Volume and 2018 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

15 That the Laws of Maryland read as follows:

16 **Article – Education**

17 **15–126.**

18 **(A) AN INSTITUTION OF HIGHER EDUCATION MAY NOTIFY THE PARENT OR**  
19 **LEGAL GUARDIAN OF A STUDENT WHO IS ADDICTED TO DRUGS, AT RISK OF A DRUG**  
20 **OVERDOSE, OR AT RISK OF DEATH FROM DRUG USE IF:**

21 **(1) THE INFORMATION THAT WILL BE USED TO NOTIFY THE PARENT**  
22 **OR LEGAL GUARDIAN IS CONFIDENTIAL UNDER A PRIVACY LAW OR POLICY AND MAY**  
23 **BE DISCLOSED IN ACCORDANCE WITH AN EXCEPTION IN THE LAW OR POLICY,**  
24 **INCLUDING THAT:**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   **(I) THE NOTIFICATION IS NECESSARY TO PROTECT THE**  
2 **HEALTH OR SAFETY OF THE STUDENT OR OTHER INDIVIDUALS UNDER § 34 C.F.R.**  
3 **99.36; AND**

4                   **(II) THE NOTIFICATION IS NECESSARY TO AVERT A SERIOUS**  
5 **THREAT TO HEALTH OR SAFETY UNDER § 45 C.F.R. 164.512;**

6                   **(2) THE STUDENT PROVIDES WRITTEN AUTHORIZATION FOR THE**  
7 **INSTITUTION TO NOTIFY THE STUDENT'S PARENT OR LEGAL GUARDIAN; OR**

8                   **(3) THE DISCLOSURE DOES NOT CONTAIN INFORMATION THAT IS**  
9 **SUBJECT TO ANY PRIVACY LAW OR POLICY.**

10                  **(B) AN INSTITUTION OF HIGHER EDUCATION SHALL BE IMMUNE FROM CIVIL**  
11 **LIABILITY IN A TORT CLAIM UNDER STATE LAW FOR DISCLOSING INFORMATION IN**  
12 **GOOD FAITH TO A PARENT OR LEGAL GUARDIAN UNDER THIS SECTION.**

13                  SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
14 1, 2019.