

West's Annotated Code of Maryland
Health--General
Title 20. Miscellaneous Health Provisions (Refs & Annos)
Subtitle 1. Consent Provisions (Refs & Annos)
Part I. Minors

MD Code, Health - General, § 20-102

§ 20-102. Consent to medical treatment by minor

Effective: October 1, 2019

Currentness

Capacity to consent

(a) A minor has the same capacity as an adult to consent to medical or dental treatment if the minor:

(1) Is married;

(2) Is the parent of a child; or

(3)(i) Is living separate and apart from the minor's parent, parents, or guardian, whether with or without consent of the minor's parent, parents, or guardian; and

(ii) Is self-supporting, regardless of the source of the minor's income.

Urgency of treatment

(b) A minor 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 delaying treatment to obtain the consent of another individual.

Substance abuse, sexual health treatment

(c) A minor has the same capacity as an adult to consent to:

(1) Treatment for or advice about drug abuse;

(2) Treatment for or advice about alcoholism;

(3) Treatment for or advice about venereal disease;

- (4) Treatment for or advice about pregnancy;
- (5) Treatment for or advice about contraception other than sterilization;
- (6) Physical examination and treatment of injuries from an alleged rape or sexual offense;
- (7) Physical examination to obtain evidence of an alleged rape or sexual offense;
- (8) Initial medical screening and physical examination on and after admission of the minor into a detention center; and
- (9) Treatment for the prevention of human immunodeficiency virus (HIV).

Refusal of treatment

(c-1) The capacity of a minor to consent to treatment for drug abuse or alcoholism under subsection (c)(1) or (2) of this section does not include the capacity to refuse treatment for drug abuse or alcoholism in an inpatient or intensive outpatient alcohol or drug abuse treatment program certified under Title 8 of this article for which a parent or guardian has given consent.

Psychological treatment

(d) A minor has the same capacity as an adult to consent to psychological treatment as specified under subsection (c)(1) and (2) of this section if, in the judgment of the attending physician or a psychologist, the life or health of the minor would be affected adversely by delaying treatment to obtain the consent of another individual.

Civil liability

(e) 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 under this section.

Parental notification

(f) Without the consent of or over the express objection of a minor, a licensed health care practitioner may, but need not, give a parent, guardian, or custodian of the minor or the spouse of the parent information about treatment needed by the minor or provided to the minor under this section, except information about an abortion.

Credits

Added by Acts 1982, c. 21, § 2, eff. July 1, 1982. Amended by Acts 1992, c. 494, § 1, eff. June 1, 1992; Acts 1992, c. 495, § 1, eff. June 1, 1992; Acts 1994, c. 175, § 1, eff. Oct. 1, 1994; Acts 1995, c. 473, § 1, eff. Oct. 1, 1995; Acts 2001, c. 284, § 1, eff. Oct. 1, 2001; Acts 2006, c. 44, § 1, eff. April 8, 2006; Acts 2012, c. 170, § 1,

eff. Oct. 1, 2012; Acts 2017, c. 578, § 1, eff. Oct. 1, 2017; Acts 2019, c. 727, § 1, eff. Oct. 1, 2019; Acts 2019, c. 728, § 1, eff. Oct. 1, 2019.

Formerly Art. 43, §§ 135, 135B.

Notes of Decisions (14)

MD Code, Health - General, § 20-102, MD HEALTH GEN § 20-102

Current through all legislation from the 2022 Regular Session of the General Assembly. Some statute sections may be more current, see credits for details.

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