

SENATE BILL 864

J1, F1, D1

7lr1665

By: **Senators Klausmeier, Hough, and Robinson**

Introduced and read first time: February 3, 2017

Assigned to: Finance and Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Overdose on Public School Premises – Substance Abuse Treatment**
3 **Programs**

4 FOR the purpose of altering the exclusive original jurisdiction of a circuit court for a county
5 sitting as the juvenile court to include a child who is alleged to have overdosed on
6 public school premises; requiring a certain school official to file with a certain
7 juvenile court a petition alleging a child has overdosed on public school premises in
8 violation of certain regulations relating to the possession of illegal drugs by students
9 on public school premises; requiring a certain juvenile court to order a child who has
10 overdosed on public school premises to enter a State certified substance abuse
11 treatment program in accordance with certain provisions of this Act; requiring a
12 certain juvenile court to order the Department of Health and Mental Hygiene to
13 evaluate a certain child to determine if the child is in need of certain substance abuse
14 treatment in a State certified substance abuse treatment program; requiring a
15 certain juvenile court to set and change the conditions under which a certain
16 examination is to be conducted; requiring the Department to ensure that a certain
17 evaluation is conducted in accordance with regulations adopted by the Department;
18 requiring a certain juvenile court to order a certain child to enter a State certified
19 substance abuse treatment program based on a certain recommendation; defining
20 certain terms; and generally relating to substance abuse treatment programs for
21 children who overdose on public school premises.

22 BY repealing and reenacting, with amendments,
23 Article – Courts and Judicial Proceedings
24 Section 3–8A–03(a)
25 Annotated Code of Maryland
26 (2013 Replacement Volume and 2016 Supplement)

27 BY adding to
28 Article – Education

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 7-440
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY adding to

Article – Health – General
Section 8-5A-01 to be under the new subtitle “Subtitle 5A. Drug Abuse – Children
– Overdose on Public School Property – Court-Ordered Evaluations and
Treatment”
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

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

Article – Courts and Judicial Proceedings

3-8A-03.

(a) In addition to the jurisdiction specified in Subtitle 8 of this title, the court has
exclusive original jurisdiction over:

(1) A child who is alleged to be delinquent or in need of supervision or who
has received a citation for a violation;

(2) Except as provided in subsection (d)(6) of this section, a peace order
proceeding in which the respondent is a child; [and]

(3) Proceedings arising under the Interstate Compact on Juveniles; AND

**(4) A CHILD WHO IS ALLEGED TO HAVE OVERDOSED ON PUBLIC
SCHOOL PREMISES AS DEFINED IN § 7-440 OF THE EDUCATION ARTICLE.**

Article – Education

7-440.

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.**

**(2) “COURT” MEANS THE CIRCUIT COURT FOR A COUNTY SITTING AS
THE JUVENILE COURT.**

**(3) “OVERDOSED ON PUBLIC SCHOOL PREMISES” MEANS A CHILD
WHO HAS OVERDOSED ON ANY DRUG FOR WHICH THE CHILD DOES NOT HAVE A
PRESCRIPTION WHILE ON PUBLIC SCHOOL PREMISES.**

(B) IF A CHILD IS ALLEGED TO HAVE OVERDOSED ON PUBLIC SCHOOL PREMISES, AN AUTHORIZED SCHOOL OFFICIAL SHALL FILE WITH THE COURT A PETITION ALLEGING THE CHILD HAS OVERDOSED ON PUBLIC SCHOOL PREMISES IN VIOLATION OF COMAR 13A.08.01.08.

(C) A COURT SHALL ORDER A CHILD WHO HAS OVERDOSED ON PUBLIC SCHOOL PREMISES TO ENTER A STATE CERTIFIED SUBSTANCE ABUSE TREATMENT PROGRAM IN ACCORDANCE WITH § 8-5A-01 OF THE HEALTH – GENERAL ARTICLE.

Article – Health – General

SUBTITLE 5A. DRUG ABUSE – CHILDREN – OVERDOSE ON PUBLIC SCHOOL PROPERTY – COURT-ORDERED EVALUATIONS AND TREATMENT.

8-5A-01.

(A) IN THIS SECTION, “COURT” MEANS THE CIRCUIT COURT FOR A COUNTY SITTING AS THE JUVENILE COURT.

(B) (1) IF IT APPEARS TO A COURT THAT A CHILD HAS OVERDOSED ON PUBLIC SCHOOL PREMISES, AS DEFINED IN § 7-440 OF THE EDUCATION ARTICLE, THE COURT SHALL ORDER THE DEPARTMENT TO EVALUATE THE CHILD TO DETERMINE WHETHER, BY REASON OF DRUG ABUSE, THE CHILD IS IN NEED OF AND MAY BENEFIT FROM INPATIENT OR OUTPATIENT SUBSTANCE ABUSE TREATMENT IN A STATE CERTIFIED SUBSTANCE ABUSE TREATMENT PROGRAM.

(2) THE COURT SHALL SET AND MAY CHANGE THE CONDITIONS UNDER WHICH AN EXAMINATION IS TO BE CONDUCTED UNDER THIS SECTION.

(3) THE DEPARTMENT SHALL ENSURE THAT EACH EVALUATION ORDERED UNDER THIS SECTION IS CONDUCTED IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT.

(4) BASED ON THE RECOMMENDATION OF THE DEPARTMENT, THE COURT SHALL ORDER THE CHILD TO ENTER A STATE CERTIFIED SUBSTANCE ABUSE TREATMENT PROGRAM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.