

Chapter 767

(House Bill 232)

AN ACT concerning

Child in Need of Assistance – Neglect – Cannabis Use

FOR the purpose of providing that the use of cannabis by a parent or certain other individuals who care for a child does not qualify as neglect except in certain circumstances for purposes of provisions of law applicable to children in need of assistance; and generally relating to children in need of assistance.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3–801(a) and (f)
Annotated Code of Maryland
(2020 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–801(s)
Annotated Code of Maryland
(2020 Replacement Volume and 2022 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

3–801.

(a) In this subtitle the following words have the meanings indicated.

(f) “Child in need of assistance” means a child who requires court intervention because:

(1) The child has been abused, has been neglected, has a developmental disability, or has a mental disorder; and

(2) The child’s parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child’s needs.

(s) **(1)** “Neglect” means the leaving of a child unattended or other failure to give proper care and attention to a child by any parent or individual who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate:

[(1)] (I) That the child's health or welfare is harmed or placed at substantial risk of harm; or

[(2)] (II) That the child has suffered mental injury or been placed at substantial risk of mental injury.

(2) "NEGLECT" DOES NOT INCLUDE THE USE OF CANNABIS BY ANY PARENT OR INDIVIDUAL WHO HAS PERMANENT OR TEMPORARY CARE OR CUSTODY OR RESPONSIBILITY FOR SUPERVISION OF THE CHILD UNLESS, AS A RESULT OF THE USE OF CANNABIS:

(I) THE CHILD'S HEALTH OR WELFARE IS HARMED OR PLACED AT SUBSTANTIAL RISK OF HARM; OR

(II) THE CHILD HAS SUFFERED MENTAL INJURY OR ~~HAS~~ BEEN PLACED AT SUBSTANTIAL RISK OF MENTAL INJURY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2023.

Approved by the Governor, May 16, 2023.