

(1982 Volume and 1983 Supplement)

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

Article - Health - General

20-107.

(a) In this section, "disabled individual" means an individual who lacks sufficient understanding or capacity to make or communicate a responsible decision on health care for the individual because of:

- (1) A physical disability;
- (2) ~~Habitual-drunkenness~~ CHRONIC ALCOHOLISM;
- (3) Drug addiction;
- (4) A disease; or
- (5) A mental disability, including senility.

(b) This section does not authorize any treatment of a disabled individual if the attending physician knows that the treatment is against the religious belief of the disabled individual.

(c) A physician or a health care facility may treat a disabled individual without consent if:

- (1) A person who is authorized to give the consent is not available immediately;
- (2) The attending physician determines:
  - (i) There is a substantial risk of death or immediate and serious harm to the disabled individual; and
  - (ii) With a reasonable degree of medical certainty, the life or health of the disabled individual would be affected adversely by delaying treatment to obtain consent; and
- (3) Treatment is of an emergency medical nature.

(d) A physician or an individual under the direction of a physician who treats a disabled individual OR A HEALTH CARE FACILITY THAT RENDERS TREATMENT TO A DISABLED INDIVIDUAL is not liable for civil damages or subject to any criminal or disciplinary penalty solely because the disabled individual did not have capacity to consent under this section.