

# HOUSE BILL 666

D4

3lr2351  
CF 3lr1097

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By: Delegates Miller, Adams, Arentz, Baker, Bouchat, Buckel, Chisholm, Ciliberti, Ghrist, Grammer, Griffith, Hartman, Hinebaugh, Hornberger, Hutchinson, Jacobs, R. Long, Mangione, McComas, Metzgar, T. Morgan, Nawrocki, Otto, Pippy, Reilly, Rose, Schmidt, Stonko, Szeliga, Tomlinson, Valentine, and Wivell

Introduced and read first time: February 6, 2023

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Fundamental Parental Rights**

3 FOR the purpose of establishing that a parent has the fundamental right to direct the  
4 upbringing, education, care, and welfare of the parent’s child; prohibiting the State  
5 or a political subdivision from infringing on a parent’s fundamental right to direct  
6 the upbringing, education, care, and welfare of the parent’s child unless the State or  
7 political subdivision can demonstrate by clear and convincing evidence certain  
8 factors; and generally relating to fundamental parental rights.

9 BY adding to

10 Article – Family Law

11 Section 5–2B–01 through 5–2B–03 to be under the new subtitle “Subtitle 2B.  
12 Fundamental Parental Rights”

13 Annotated Code of Maryland

14 (2019 Replacement Volume and 2022 Supplement)

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

17 **Article – Family Law**

18 **SUBTITLE 2B. FUNDAMENTAL PARENTAL RIGHTS.**

19 **5–2B–01.**

20 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THIS**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



SUBTITLE APPLIES TO ALL STATE AND LOCAL LAWS AND ORDINANCES, WHETHER  
STATUTORY OR OTHERWISE, EFFECTIVE BEFORE, ON, OR AFTER OCTOBER 1, 2023.

(B) THE GENERAL ASSEMBLY MAY EXEMPT A LAW OR AN ORDINANCE FROM  
THE REQUIREMENTS OF THIS SUBTITLE ONLY IF THE EXEMPTION EXPLICITLY  
STATES THAT THE LAW OR ORDINANCE IS EXEMPTED FROM THIS SUBTITLE AND  
INCLUDES A CITATION TO THIS SUBTITLE.

**5-2B-02.**

(A) A PARENT HAS THE FUNDAMENTAL RIGHT TO DIRECT THE UPBRINGING,  
EDUCATION, CARE, AND WELFARE OF THE PARENT'S CHILD.

(B) THE STATE OR A POLITICAL SUBDIVISION MAY NOT INFRINGE ON A  
RIGHT OF A PARENT DESCRIBED IN SUBSECTION (A) OF THIS SECTION UNLESS THE  
STATE OR POLITICAL SUBDIVISION DEMONSTRATES BY CLEAR AND CONVINCING  
EVIDENCE THAT THE STATE'S OR POLITICAL SUBDIVISION'S INFRINGEMENT IS:

(1) NECESSARY TO ACHIEVE A COMPELLING GOVERNMENT INTEREST;

(2) NARROWLY TAILORED TO ACHIEVE THE COMPELLING  
GOVERNMENT INTEREST; AND

(3) THE LEAST RESTRICTIVE MEANS TO ACHIEVE THE COMPELLING  
GOVERNMENT INTEREST.

**5-2B-03.**

THIS SUBTITLE DOES NOT AUTHORIZE A PARENT OF A MINOR CHILD IN THE  
STATE TO ENGAGE IN CONDUCT THAT IS UNLAWFUL OR TO ABUSE OR NEGLECT THE  
PARENT'S MINOR CHILD IN VIOLATION OF STATE LAW.

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