

SENATE BILL 400

J1
HB 699/16 – HGO

7lr0933
CF 7lr0957

By: **Senator Young**

Introduced and read first time: January 27, 2017

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Health and Mental Hygiene – Biosafety Level 3 Laboratories**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to develop
4 and make available a certain form; requiring certain biosafety level 3 (BSL–3)
5 laboratories to report annually, on or before a certain date, certain information to
6 the Department; requiring the Department to report annually, on or before a certain
7 date, the number and location of the laboratories, in total and by local jurisdiction,
8 to certain officials in each local jurisdiction in the State, and the total number of the
9 laboratories to the Governor and the General Assembly; providing that certain
10 information is confidential and not subject to inspection under certain provisions of
11 law; establishing certain penalties; requiring the Department to develop a strategy
12 for a certain purpose; defining a certain term; providing for the application of this
13 Act; and generally relating to biosafety level 3 (BSL–3) laboratories.

14 BY adding to

15 Article – Health – General

16 Section 17–701 to be under the new subtitle “Subtitle 7. Biosafety Level 3 (BSL–3)
17 Laboratories”

18 Annotated Code of Maryland

19 (2015 Replacement Volume and 2016 Supplement)

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

22 **Article – Health – General**

23 **SUBTITLE 7. BIOSAFETY LEVEL 3 (BSL–3) LABORATORIES.**

24 **17–701.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(A) IN THIS SECTION, “BSL–3 LABORATORY” MEANS A LABORATORY DESIGNATED AS A BIOSAFETY LEVEL 3 (BSL–3) LABORATORY BY THE FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION AND THE U.S. DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE, AS APPLICABLE, BASED ON:

(1) USAGE OF BIOLOGICAL AGENTS THAT MAY CAUSE SERIOUS OR POTENTIALLY LETHAL DISEASE AFTER INHALATION, INGESTION, OR ABSORPTION; AND

(2) REQUIRED BIOCONTAINMENT PRECAUTIONS.

(B) THIS SECTION APPLIES TO EACH BSL–3 LABORATORY IN THE STATE THAT:

(1) DOES NOT WORK WITH FEDERALLY REGULATED BIOLOGICAL SELECT AGENTS AND TOXINS OR THEIR PRODUCTS; AND

(2) (I) IS A COMMERCIAL OR FOR–PROFIT LABORATORY;

(II) IS OWNED BY OR IS PART OF A TEACHING HOSPITAL OR AN INSTITUTION OF POST–SECONDARY EDUCATION; OR

(III) IS A PRIVATELY FUNDED BIOMEDICAL RESEARCH LABORATORY.

(C) THE DEPARTMENT SHALL DEVELOP AND MAKE AVAILABLE A STANDARDIZED FORM FOR A BSL–3 LABORATORY SUBJECT TO THIS SECTION TO USE TO PROVIDE THE INFORMATION REQUIRED UNDER SUBSECTION (D) OF THIS SECTION.

(D) ON OR BEFORE SEPTEMBER 30, 2018, AND ON OR BEFORE SEPTEMBER 30 EACH SUBSEQUENT YEAR, EACH BSL–3 LABORATORY SUBJECT TO THIS SECTION SHALL REPORT TO THE DEPARTMENT:

(1) THE ADDRESS OF THE LABORATORY;

(2) THE NAME, TELEPHONE NUMBER, AND E–MAIL ADDRESS OF A CONTACT PERSON FOR THE LABORATORY; AND

(3) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT TO DETERMINE THE LOCATION OF THE LABORATORY.

(E) ON OR BEFORE DECEMBER 31, 2018, AND ON OR BEFORE DECEMBER 31 EACH SUBSEQUENT YEAR, THE DEPARTMENT SHALL REPORT TO:

(1) THE HEALTH OFFICER AND EMERGENCY MANAGEMENT OFFICIALS OF EACH LOCAL JURISDICTION IN THE STATE THE NUMBER AND LOCATION, IN TOTAL AND BY LOCAL JURISDICTION, OF BSL-3 LABORATORIES SUBJECT TO THIS SECTION; AND

(2) THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY THE TOTAL NUMBER OF BSL-3 LABORATORIES SUBJECT TO THIS SECTION.

(F) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, ANY INFORMATION THE DEPARTMENT COLLECTS FROM BSL-3 LABORATORIES SUBJECT TO THIS SECTION IS CONFIDENTIAL AND NOT SUBJECT TO INSPECTION UNDER TITLE 4 OF THE GENERAL PROVISIONS ARTICLE.

(G) (1) A BSL-3 LABORATORY SUBJECT TO THIS SECTION THAT FAILS TO REPORT THE INFORMATION REQUIRED UNDER SUBSECTION (D) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100 FOR THE FIRST OFFENSE AND NOT EXCEEDING \$500 FOR EACH SUBSEQUENT CONVICTION.

(2) EACH DAY A VIOLATION CONTINUES AFTER THE FIRST CONVICTION IS A SUBSEQUENT OFFENSE.

(3) IN ADDITION TO ANY OTHER PENALTIES PROVIDED UNDER THIS SUBSECTION, A BSL-3 LABORATORY SUBJECT TO THIS SECTION THAT FAILS TO REPORT THE INFORMATION REQUIRED UNDER SUBSECTION (D) OF THIS SECTION IS SUBJECT TO AN ADMINISTRATIVE FINE NOT EXCEEDING \$500.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Department of Health and Mental Hygiene shall develop a strategy to attempt to identify biosafety level 3 laboratories that are subject to Section 1 of this Act for the purpose of notifying the laboratories of the requirements of this Act.

(b) The strategy may rely on the list of possible laboratories used by the 2013 Workgroup on Biocontainment Laboratory Oversight convened by the Department of Health and Mental Hygiene, information available from biotechnology councils and scientific groups, information available from local government agencies, and other sources that may help to identify biosafety level 3 laboratories subject to Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

