

HOUSE BILL 519

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7lr1244

By: **Delegates Morhaim, Anderson, Barve, Fraser-Hidalgo, Frick, Gutierrez, Hettelman, Lierman, A. Miller, Moon, Robinson, Tarlau, Turner, and K. Young**

Introduced and read first time: January 27, 2017

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Overdose and Infectious Disease Prevention Safer Drug**
3 **Consumption Facility Program**

4 FOR the purpose of authorizing the establishment of an Overdose and Infectious Disease
5 Prevention Safer Drug Consumption Facility Program by a community-based
6 organization; requiring the Department of Health and Mental Hygiene or a local
7 health department to make a certain determination on a certain application based
8 on certain criteria and within a certain period of time; requiring the Department or
9 a local health department to provide a written explanation of a certain determination
10 to a certain entity; requiring a Program to provide certain services; authorizing a
11 Program to bill a certain insurance carrier for certain services provided, accept
12 donations, grants, and other financial assistance, apply for certain grants, and
13 coordinate with certain programs or organizations; prohibiting certain persons,
14 under certain circumstances, from being subject to arrest, prosecution, or certain
15 penalties or from being denied any right or privilege for involvement in the operation
16 or use of services of a Program; prohibiting certain persons, under certain
17 circumstances, from being subject to the seizure or forfeiture of certain real or
18 personal property under certain laws; providing that certain persons are not immune
19 from criminal prosecution for certain activities; requiring a certain Program to
20 submit a certain report that includes certain information to the Department or a
21 local health department and a certain committee on or before a certain date each
22 year; defining certain terms; and generally relating to an Overdose and Infectious
23 Disease Prevention Safer Drug Consumption Facility Program.

24 BY adding to
25 Article – Health – General
26 Section 24–1501 through 24–1506 to be under the new subtitle “Subtitle 15.
27 Overdose and Infectious Disease Prevention Safer Drug Consumption Facility
28 Program”

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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 – Health – General

**SUBTITLE 15. OVERDOSE AND INFECTIOUS DISEASE PREVENTION SAFER DRUG
CONSUMPTION FACILITY PROGRAM.**

24–1501.

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

**(B) (1) “COMMUNITY–BASED ORGANIZATION” MEANS A PUBLIC OR
PRIVATE ORGANIZATION THAT:**

**(I) IS REPRESENTATIVE OF A COMMUNITY OR SIGNIFICANT
SEGMENTS OF A COMMUNITY; AND**

**(II) PROVIDES EDUCATIONAL, HEALTH, OR SOCIAL SERVICES
TO INDIVIDUALS IN THE COMMUNITY.**

(2) “COMMUNITY–BASED ORGANIZATION” INCLUDES:

(I) HOSPITALS;

(II) CLINICS;

(III) SUBSTANCE ABUSE TREATMENT CENTERS;

(IV) MEDICAL OFFICES;

(V) FEDERALLY QUALIFIED HEALTH CENTERS;

(VI) MENTAL HEALTH FACILITIES; AND

(VII) LOCAL HEALTH DEPARTMENTS.

**(C) “PROGRAM” MEANS AN OVERDOSE AND INFECTIOUS DISEASE
PREVENTION SAFER DRUG CONSUMPTION FACILITY PROGRAM.**

1 **24-1502.**

2 **(A) A COMMUNITY-BASED ORGANIZATION MAY ESTABLISH AN OVERDOSE**
3 **AND INFECTIOUS DISEASE PREVENTION SAFER DRUG CONSUMPTION FACILITY**
4 **PROGRAM IN ONE OR MORE JURISDICTIONS WITH THE APPROVAL OF THE**
5 **DEPARTMENT OR A LOCAL HEALTH DEPARTMENT.**

6 **(B) A COMMUNITY-BASED ORGANIZATION MAY APPLY TO THE**
7 **DEPARTMENT OR A LOCAL HEALTH DEPARTMENT FOR APPROVAL OF A PROGRAM**
8 **AT ANY TIME, REGARDLESS OF PREVIOUS APPLICATIONS.**

9 **(C) THE DEPARTMENT OR LOCAL HEALTH DEPARTMENT SHALL MAKE ITS**
10 **DETERMINATION OF WHETHER TO APPROVE AN APPLICATION SUBMITTED UNDER**
11 **THIS SUBSECTION BASED ON THE ABILITY OF THE COMMUNITY-BASED**
12 **ORGANIZATION TO SATISFY THE REQUIREMENTS OF §§ 24-1503, 24-1504, AND**
13 **24-1505 OF THIS SUBTITLE.**

14 **(D) THE DEPARTMENT OR LOCAL HEALTH DEPARTMENT SHALL:**

15 **(1) APPROVE OR DENY AN APPLICATION OF A COMMUNITY-BASED**
16 **ORGANIZATION WITHIN 45 DAYS AFTER THE DAY ON WHICH THE APPLICATION IS**
17 **RECEIVED; AND**

18 **(2) PROVIDE A WRITTEN EXPLANATION OF THE DEPARTMENT'S OR**
19 **LOCAL HEALTH DEPARTMENT'S DETERMINATION TO THE COMMUNITY-BASED**
20 **ORGANIZATION.**

21 **24-1503.**

22 **(A) A PROGRAM SHALL:**

23 **(1) PROVIDE A LOCATION SUPERVISED BY HEALTH CARE**
24 **PROFESSIONALS OR OTHER TRAINED STAFF WHERE DRUG USERS CAN**
25 **CONSUME PREOBTAINED DRUGS;**

26 **(2) PROVIDE STERILE INJECTION SUPPLIES, COLLECT USED**
27 **HYPODERMIC NEEDLES AND SYRINGES, AND PROVIDE SECURE HYPODERMIC**
28 **NEEDLE AND SYRINGE DISPOSAL SERVICES;**

29 **(3) ANSWER QUESTIONS ABOUT SAFE INJECTION PRACTICES;**

(4) ADMINISTER FIRST AID, IF NEEDED, MONITOR PARTICIPANTS FOR POTENTIAL OVERDOSE, AND ADMINISTER RESCUE MEDICATIONS, INCLUDING NALOXONE;

(5) PROVIDE ACCESS OR REFERRALS TO SERVICES, INCLUDING:

(I) SUBSTANCE ABUSE DISORDER COUNSELING AND TREATMENT SERVICES;

(II) TESTING FOR HIV, VIRAL HEPATITIS, AND SEXUALLY TRANSMITTED DISEASES;

(III) REPRODUCTIVE HEALTH EDUCATION AND SERVICES; AND

(IV) WOUND CARE;

(6) EDUCATE PARTICIPANTS ON THE RISKS OF CONTRACTING HIV AND VIRAL HEPATITIS;

(7) PROVIDE OVERDOSE PREVENTION EDUCATION AND ACCESS TO OR REFERRALS TO OBTAIN NALOXONE;

(8) EDUCATE PARTICIPANTS REGARDING PROPER DISPOSAL OF HYPODERMIC NEEDLES AND SYRINGES;

(9) PROVIDE REASONABLE AND ADEQUATE SECURITY OF THE PROGRAM SITE AND EQUIPMENT;

(10) ESTABLISH A METHOD OF IDENTIFYING PROGRAM STAFF MEMBERS AND VOLUNTEERS WHO ARE AUTHORIZED TO ACCESS HYPODERMIC NEEDLES AND SYRINGES AND PROGRAM RECORDS; AND

(11) TRAIN STAFF MEMBERS TO DELIVER SERVICES OFFERED BY THE PROGRAM.

(B) A PROGRAM MAY:

(1) WITH THE CONSENT OF THE INDIVIDUAL, BILL THE INSURANCE CARRIER OF AN INDIVIDUAL WHO USES THE SERVICES OF THE PROGRAM FOR THE COST OF COVERED SERVICES;

(2) ACCEPT DONATIONS, GRANTS, OR OTHER FINANCIAL ASSISTANCE;

(3) APPLY FOR GRANTS FROM THE DEPARTMENT OR ANY NONPROFIT OR OTHER PRIVATE ORGANIZATION; AND

(4) COORDINATE WITH ANY OPIOID-ASSOCIATED DISEASE PREVENTION AND OUTREACH PROGRAM OR COMMUNITY-BASED ORGANIZATION.

24-1504.

(A) ANY OF THE FOLLOWING PERSONS ACTING IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE MAY NOT BE SUBJECT TO ARREST, PROSECUTION, OR ANY CIVIL OR ADMINISTRATIVE PENALTY, INCLUDING A CIVIL PENALTY OR DISCIPLINARY ACTION BY A PROFESSIONAL LICENSING BOARD, OR BE DENIED ANY RIGHT OR PRIVILEGE FOR INVOLVEMENT IN THE OPERATION OR USE OF SERVICES OF THE PROGRAM:

(1) AN INDIVIDUAL WHO USES SERVICES OF A PROGRAM;

(2) A STAFF MEMBER OF A PROGRAM, INCLUDING A HEALTH CARE PROFESSIONAL, A MANAGER, AN EMPLOYEE, OR A VOLUNTEER; OR

(3) A PROPERTY OWNER WHO OWNS THE FACILITY AT WHICH A PROGRAM IS LOCATED AND OPERATES.

(B) ANY PROPERTY OWNER, MANAGER, EMPLOYEE, VOLUNTEER, OR INDIVIDUAL USING THE SERVICES OF A PROGRAM AND ACTING IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE MAY NOT BE SUBJECT UNDER STATE OR LOCAL LAW TO THE SEIZURE OR FORFEITURE OF ANY REAL OR PERSONAL PROPERTY USED IN CONNECTION WITH A PROGRAM.

24-1505.

NOTWITHSTANDING THE PROVISIONS OF § 24-1504 OF THIS SUBTITLE, A PROPERTY OWNER, A MANAGER, AN EMPLOYEE, A VOLUNTEER, OR AN INDIVIDUAL USING THE SERVICES OF A PROGRAM IS NOT IMMUNE FROM CRIMINAL PROSECUTION FOR ANY ACTIVITIES NOT AUTHORIZED OR APPROVED BY THE PROGRAM.

24-1506.

ON OR BEFORE DECEMBER 1 EACH YEAR, A PROGRAM ESTABLISHED UNDER THIS SUBTITLE SHALL SUBMIT TO THE DEPARTMENT OR LOCAL HEALTH DEPARTMENT THAT APPROVED THE PROGRAM AND, IN ACCORDANCE WITH § 2-1246

1 OF THE STATE GOVERNMENT ARTICLE, THE JOINT COMMITTEE ON BEHAVIORAL
2 HEALTH AND OPIOID USE DISORDERS A REPORT THAT INCLUDES THE FOLLOWING
3 INFORMATION:

4 (1) THE NUMBER OF PROGRAM PARTICIPANTS AND THE NUMBER OF
5 TIMES A PARTICIPANT USED THE PROGRAM'S SERVICES;

6 (2) AGGREGATE INFORMATION REGARDING THE DEMOGRAPHIC
7 PROFILE OF PROGRAM PARTICIPANTS;

8 (3) THE NUMBER OF:

9 (I) HYPODERMIC NEEDLES AND SYRINGES DISTRIBUTED FOR
10 USE ON-SITE; AND

11 (II) OVERDOSES EXPERIENCED ON-SITE AND OVERDOSES
12 REVERSED ON-SITE;

13 (4) THE NUMBER OF INDIVIDUALS WHO RECEIVED OVERDOSE CARE
14 AND THE TYPE AND NUMBER OF RESCUE DRUGS USED; AND

15 (5) THE NUMBER OF INDIVIDUALS REFERRED BY THE PROGRAM TO
16 OTHER SERVICES AND THE TYPE OF SERVICE TO WHICH THE INDIVIDUALS WERE
17 REFERRED.

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