

HOUSE BILL 953

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HB 396/21 – HGO

3lr0430
CF SB 618

By: **Delegates Pena–Melnik, Acevero, Addison, Alston, Bagnall, Bartlett, Boyce, Bridges, Charkoudian, Crutchfield, Cullison, Ebersole, Embry, Feldmark, Fennell, Forbes, Fraser–Hidalgo, Henson, Ivey, S. Johnson, Kaiser, Kaufman, Kelly, Lehman, R. Lewis, Lopez, Love, Moon, Palakovich Carr, Patterson, Queen, Reznik, Ruth, Shetty, Simpson, Solomon, Stein, Stewart, Taveras, Terrasa, Turner, Vogel, Wells, Wilkins, Woods, and Young**

Introduced and read first time: February 10, 2023

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Overdose and Infectious Disease Prevention Services Program**

3 FOR the purpose of authorizing a community–based organization, with the approval of the
4 Maryland Department of Health, to establish an Overdose and Infectious Disease
5 Prevention Services Program; authorizing a Program to bill the insurance carrier of
6 an individual who uses the services of the Program for the cost of covered services,
7 accept donations, grants, and other financial assistance, apply for certain grants,
8 coordinate with certain programs or organizations, and use mobile facilities;
9 prohibiting the location of a Program in certain areas; prohibiting certain persons,
10 under certain circumstances, from being subject to arrest, prosecution, or certain
11 penalties or from being denied any right or privilege for involvement in the operation
12 or use of services of a Program; and generally relating to an Overdose and Infectious
13 Disease Prevention Services Program.

14 BY adding to

15 Article – Health – General
16 Section 24–2201 through 24–2206 to be under the new subtitle “Subtitle 22.
17 Overdose and Infectious Disease Prevention Services Program”
18 Annotated Code of Maryland
19 (2019 Replacement Volume and 2022 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**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**SUBTITLE 22. OVERDOSE AND INFECTIOUS DISEASE PREVENTION SERVICES
PROGRAM.**

24-2201.

**(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) A HOSPITAL;

(II) A CLINIC;

(III) A SUBSTANCE USE DISORDER TREATMENT CENTER;

(IV) A MEDICAL OFFICE;

(V) A FEDERALLY QUALIFIED HEALTH CENTER;

(VI) A MENTAL HEALTH FACILITY;

(VII) A LOCAL HEALTH DEPARTMENT; AND

(VIII) A FAITH-BASED ORGANIZATION.

**(C) “PROGRAM” MEANS AN OVERDOSE AND INFECTIOUS DISEASE
PREVENTION SERVICES PROGRAM.**

24-2202.

**(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A COMMUNITY-BASED
ORGANIZATION MAY ESTABLISH AN OVERDOSE AND INFECTIOUS DISEASE
PREVENTION SERVICES PROGRAM WITH THE APPROVAL OF THE DEPARTMENT, IN
CONSULTATION WITH THE LOCAL HEALTH DEPARTMENT.**

(B) (1) THE DEPARTMENT MAY APPROVE NOT MORE THAN SIX PROGRAMS, WITH EACH PROGRAM OPERATING AT A SINGLE LOCATION IN AN AREA WITH A HIGH INCIDENCE OF DRUG USE.

(2) TO THE EXTENT PRACTICABLE, THE PROGRAMS APPROVED BY THE DEPARTMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) TWO PROGRAMS LOCATED IN URBAN AREAS OF THE STATE;

(II) TWO PROGRAMS LOCATED IN SUBURBAN AREAS OF THE STATE; AND

(III) TWO PROGRAMS LOCATED IN RURAL AREAS OF THE STATE.

(C) THE DEPARTMENT, IN CONSULTATION WITH THE LOCAL HEALTH DEPARTMENT, SHALL MAKE ITS DETERMINATION OF WHETHER TO APPROVE AN APPLICATION SUBMITTED UNDER THIS SECTION BASED ON THE ABILITY OF THE COMMUNITY-BASED ORGANIZATION TO SATISFY THE REQUIREMENTS OF §§ 24-2203, 24-2204, AND 24-2205 OF THIS SUBTITLE.

(D) THE DEPARTMENT, IN CONSULTATION WITH THE LOCAL HEALTH DEPARTMENT, SHALL:

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

(2) PROVIDE A WRITTEN EXPLANATION OF THE DEPARTMENT'S DETERMINATION TO THE COMMUNITY-BASED ORGANIZATION.

24-2203.

(A) A PROGRAM SHALL:

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

(2) PROVIDE STERILE SUPPLIES FOR PERSONAL DRUG ADMINISTRATION, COLLECT USED SUPPLIES, AND PROVIDE APPROPRIATE DISPOSAL SERVICES OF USED SUPPLIES;

(3) ANSWER QUESTIONS ABOUT SAFE DRUG USE 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 USE 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 WHO ARE AUTHORIZED TO ACCESS DRUG ADMINISTRATION SUPPLIES 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;

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

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

5 (4) COORDINATE WITH ANY SUBSTANCE USE PREVENTION AND
6 OUTREACH PROGRAM, SYRINGE SERVICES PROGRAM, OR COMMUNITY-BASED
7 ORGANIZATION; AND

8 (5) USE A MOBILE FACILITY TO OPERATE AND PROVIDE SERVICES.

9 (C) A PROGRAM MAY NOT BE LOCATED IN AN AREA THAT IS ZONED FOR
10 RESIDENTIAL USES.

11 24-2204.

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

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

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

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

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

28 24-2205.

29 NOTWITHSTANDING THE PROVISIONS OF § 24-2204 OF THIS SUBTITLE, A
30 PROPERTY OWNER, A MANAGER, AN EMPLOYEE, A VOLUNTEER, OR AN INDIVIDUAL
31 USING THE SERVICES OF A PROGRAM IS NOT IMMUNE FROM CRIMINAL

1 PROSECUTION FOR ANY ACTIVITIES NOT AUTHORIZED OR APPROVED BY THE
2 PROGRAM.

3 24-2206.

4 ON OR BEFORE DECEMBER 1 EACH YEAR, A PROGRAM ESTABLISHED UNDER
5 THIS SUBTITLE SHALL SUBMIT TO THE DEPARTMENT AND, IN ACCORDANCE WITH §
6 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE SENATE FINANCE COMMITTEE
7 AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE A REPORT
8 THAT INCLUDES THE FOLLOWING INFORMATION:

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

11 (2) AGGREGATE INFORMATION REGARDING THE DEMOGRAPHIC
12 PROFILE OF PROGRAM PARTICIPANTS;

13 (3) THE NUMBER OF:

14 (I) ITEMS DISTRIBUTED FOR DRUG ADMINISTRATION FOR USE
15 ON-SITE, INCLUDING HYPODERMIC NEEDLES AND SYRINGES; AND

16 (II) OVERDOSES EXPERIENCED ON-SITE AND OVERDOSES
17 REVERSED ON-SITE;

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

20 (5) THE NUMBER OF INDIVIDUALS REFERRED BY THE PROGRAM TO
21 OTHER SERVICES AND THE TYPE OF SERVICE TO WHICH THE INDIVIDUALS WERE
22 REFERRED; AND

23 (6) ANY OTHER INFORMATION THAT THE DEPARTMENT DETERMINES
24 IS NECESSARY FOR ASSESSING THE IMPACT OF THE PROGRAM.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
26 1, 2023. It shall remain effective for a period of 4 years and, at the end of June 30, 2027,
27 this Act, with no further action required by the General Assembly, shall be abrogated and
28 of no further force and effect.