

HOUSE BILL 1371

E4

2lr2347

By: **Delegates McKay, Arian, Beitzel, Boteler, Buckel, Griffith, Hartman, Hornberger, Krebs, Mautz, McComas, Otto, Parrott, Reilly, Szeliga, Thiam, and Wivell**

Introduced and read first time: February 11, 2022

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – States of Emergency and Catastrophic Health Emergencies –**
3 **Treatment of Religious Organizations**

4 FOR the purpose of requiring that an order issued by the Governor during a state of
5 emergency or catastrophic health emergency authorize a religious organization to
6 operate to the same extent that or to a greater extent than organizations providing
7 essential services are authorized to operate; and generally relating to the operation
8 of religious organizations under emergency orders.

9 BY repealing and reenacting, with amendments,
10 Article – Public Safety
11 Section 14–301, 14–303(b), 14–3A–01, and 14–3A–03
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2021 Supplement)

14 BY adding to
15 Article – Public Safety
16 Section 14–303(e)
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2021 Supplement)

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

21 **Article – Public Safety**

22 14–301.

23 (a) In this subtitle the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(b) “Alternate care site” means an area that:

(1) (i) is not located on a health care facility’s premises; or

(ii) is located on a health care facility’s premises in an area not typically used to provide medical services, nursing services, or other health-related services; and

(2) is used by a licensed health care facility:

(i) to provide medical services, nursing services, or other health-related services during a declared state of emergency; and

(ii) that has access to an emergency electrical power generator.

(c) “Energy emergency” means a situation in which the health, safety, or welfare of the public is threatened by an actual or impending acute shortage in energy resources.

(D) “ESSENTIAL SERVICE” MEANS A SERVICE THAT IS NECESSARY AND VITAL TO THE HEALTH AND WELFARE OF THE PUBLIC DURING A DECLARED STATE OF EMERGENCY.

[(d)] (E) “Health care facility” has the meaning stated in § 19–114 of the Health – General Article.

[(e)] (F) “Public emergency” means:

(1) a situation in which three or more individuals are at the same time and in the same place engaged in tumultuous conduct that leads to the commission of unlawful acts that disturb the public peace or cause the unlawful destruction or damage of public or private property;

(2) a crisis, disaster, riot, or catastrophe; or

(3) an energy emergency.

14–303.

(b) After proclaiming a state of emergency, the Governor may, **SUBJECT TO SUBSECTION (E) OF THIS SECTION**, promulgate reasonable orders, rules, or regulations that the Governor considers necessary to protect life and property or calculated effectively to control and terminate the public emergency in the emergency area, including orders, rules, or regulations to:

(1) control traffic, including public and private transportation, in the emergency area;

(2) designate specific zones in the emergency area in which the occupancy and use of buildings and vehicles may be controlled;

(3) control the movement of individuals or vehicles into, in, or from the designated zones;

(4) control places of amusement and places of assembly;

(5) control individuals on public streets;

(6) establish curfews;

(7) control the sale, transportation, and use of alcoholic beverages;

(8) control the possession, sale, carrying, and use of firearms, other dangerous weapons, and ammunition;

(9) control the storage, use, and transportation of explosives or flammable materials or liquids considered to be dangerous to public safety, including "Molotov cocktails"; and

(10) authorize the use of alternate care sites.

(E) (1) AN ORDER, A RULE, OR A REGULATION PROMULGATED UNDER THIS SECTION SHALL AUTHORIZE A RELIGIOUS ORGANIZATION TO OPERATE AND ENGAGE IN RELIGIOUS SERVICES TO THE SAME EXTENT THAT OR TO A GREATER EXTENT THAN ORGANIZATIONS PROVIDING ESSENTIAL SERVICES ARE AUTHORIZED TO OPERATE.

(2) THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT THE STATE OR A LOCAL GOVERNMENT FROM REQUIRING A RELIGIOUS ORGANIZATION TO COMPLY WITH A NEUTRAL, GENERALLY APPLICABLE LAW OR REGULATION.

14-3A-01.

(a) In this subtitle the following words have the meanings indicated.

(b) "Catastrophic health emergency" means a situation in which extensive loss of life or serious disability is threatened imminently because of exposure to a deadly agent.

(c) "Deadly agent" means:

(1) anthrax, ebola, plague, smallpox, tularemia, or other bacterial, fungal, rickettsial, or viral agent, biological toxin, or other biological agent capable of causing extensive loss of life or serious disability;

(2) mustard gas, nerve gas, or other chemical agent capable of causing extensive loss of life or serious disability; or

(3) radiation at levels capable of causing extensive loss of life or serious disability.

(D) “ESSENTIAL SERVICE” MEANS A SERVICE THAT IS NECESSARY AND VITAL TO THE HEALTH AND WELFARE OF THE PUBLIC DURING A CATASTROPHIC HEALTH EMERGENCY.

[(d)] (E) “Exposure to a deadly agent” means a threat to human health caused by the release, distribution, or transmission of a deadly agent in:

(1) this State; or

(2) another jurisdiction because of movement into the State of the deadly agent or of individuals exposed to the deadly agent.

[(e)] (F) “Health care provider” means:

(1) a health care facility as defined in § 19–114(d)(1) of the Health – General Article;

(2) a health care practitioner as defined in § 19–114(e) of the Health – General Article; and

(3) an individual licensed or certified as an emergency medical services provider under § 13–516 of the Education Article.

[(f)] (G) “Secretary” means the Secretary of Health.

14–3A–03.

(a) After the Governor issues a proclamation under this subtitle, the Governor may, **SUBJECT TO SUBSECTION (E) OF THIS SECTION**, issue the orders authorized in this section.

(b) (1) The Governor may order the Secretary or other designated official to:

(i) seize immediately anything needed to respond to the medical consequences of the catastrophic health emergency; and

(ii) work collaboratively, to the extent feasible, with health care providers to designate and gain access to a facility needed to respond to the catastrophic health emergency.

(2) The Governor may order the Secretary or other designated official to control, restrict, or regulate the use, sale, dispensing, distribution, or transportation of anything needed to respond to the medical consequences of the catastrophic health emergency by:

(i) rationing or using quotas;

(ii) creating and distributing stockpiles;

(iii) prohibiting shipments;

(iv) setting prices; or

(v) taking other appropriate actions.

(3) If medically necessary and reasonable to treat, prevent, or reduce the spread of the disease or outbreak believed to have been caused by the exposure to a deadly agent, the Governor may order the Secretary or other designated official to:

(i) require individuals to submit to medical examination or testing;

(ii) require individuals to submit to vaccination or medical treatment unless the vaccination or treatment likely will cause serious harm to the individual;

(iii) establish places of treatment, isolation, and quarantine; or

(iv) require individuals to go to and remain in places of isolation or quarantine until the Secretary or other designated official determines that the individuals no longer pose a substantial risk of transmitting the disease or condition to the public.

(c) The Governor may order any health care provider, who does not voluntarily participate, to participate in disease surveillance, treatment, and suppression efforts or otherwise comply with the directives of the Secretary or other designated official.

(d) (1) The Governor may order the evacuation, closing, or decontamination of any facility.

(2) If necessary and reasonable to save lives or prevent exposure to a deadly agent, the Governor may order individuals to remain indoors or refrain from congregating.

1 **(E) (1) AN ORDER ISSUED UNDER THIS SECTION SHALL AUTHORIZE A**
2 **RELIGIOUS ORGANIZATION TO OPERATE AND ENGAGE IN RELIGIOUS SERVICES TO**
3 **THE SAME EXTENT THAT OR TO A GREATER EXTENT THAN ORGANIZATIONS**
4 **PROVIDING ESSENTIAL SERVICES ARE AUTHORIZED TO OPERATE.**

5 **(2) THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT THE**
6 **STATE OR A LOCAL GOVERNMENT FROM REQUIRING A RELIGIOUS ORGANIZATION**
7 **TO COMPLY WITH A NEUTRAL, GENERALLY APPLICABLE LAW OR REGULATION.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2022.