

HOUSE BILL 396

J1
HB 464/20 – HGO

(PRE-FILED)

1lr1203
CF SB 279

By: **Delegate Pena-Melnyk**

Requested: October 27, 2020

Introduced and read first time: January 13, 2021

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 the establishment of an Overdose and Infectious Disease
4 Prevention Services Program by a community-based organization; requiring the
5 Maryland Department of Health, in consultation with the local health department,
6 to make a certain determination on a certain application based on certain criteria
7 and within a certain period of time; authorizing the Department to approve not more
8 than a certain number of Programs, with each Program operating at a single location
9 in a certain area; requiring, to the extent practicable, certain Programs approved by
10 the Department to be located in certain areas of the State; requiring the Department,
11 in consultation with the local health department, to provide a written explanation of
12 a certain determination to a certain entity; requiring a Program to provide certain
13 services, provide certain training, and establish a method of identifying certain staff;
14 authorizing a Program to bill a certain insurance carrier under certain
15 circumstances for certain services provided, accept donations, grants, and other
16 financial assistance, apply for certain grants, coordinate with certain programs or
17 organizations, and use certain facilities; prohibiting the location of a Program in
18 certain areas; prohibiting certain persons, under certain circumstances, from being
19 subject to arrest, prosecution, or certain penalties or from being denied any right or
20 privilege for involvement in the operation or use of services of a Program; prohibiting
21 certain persons, under certain circumstances, from being subject to the seizure or
22 forfeiture of certain real or personal property under certain laws; providing that
23 certain persons are not immune from criminal prosecution for certain activities;
24 requiring a certain Program to submit a certain report that includes certain
25 information to the Department and certain committees of the General Assembly on
26 or before a certain date each year; defining certain terms; providing for the
27 termination of this Act; and generally relating to an Overdose and Infectious Disease
28 Prevention Services Program.

29 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Health – General

Section 24–1801 through 24–1806 to be under the new subtitle “Subtitle 18.
Overdose and Infectious Disease Prevention Services Program”

Annotated Code of Maryland

(2019 Replacement Volume and 2020 Supplement)

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

Article – Health – General

**SUBTITLE 18. OVERDOSE AND INFECTIOUS DISEASE PREVENTION SERVICES
PROGRAM.**

24–1801.

**(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 ABUSE 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.

24-1802.

(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 §§ 24-1803, 24-1804, AND 24-1805 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.

24-1803.

(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 INJECTION SUPPLIES, COLLECT USED HYPODERMIC NEEDLES AND SYRINGES, AND PROVIDE SECURE HYPODERMIC NEEDLE AND SYRINGE DISPOSAL SERVICES;

(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 WHO ARE AUTHORIZED TO ACCESS HYPODERMIC NEEDLES AND SYRINGES

1 AND PROGRAM RECORDS; AND

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

4 (B) A PROGRAM MAY:

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

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

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

12 (4) COORDINATE WITH ANY OPIOID-ASSOCIATED SUBSTANCE ABUSE
13 PREVENTION AND OUTREACH PROGRAM OR COMMUNITY-BASED ORGANIZATION;
14 AND

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

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

18 24-1804.

19 (A) NONE OF THE FOLLOWING PERSONS ACTING IN ACCORDANCE WITH THE
20 PROVISIONS OF THIS SUBTITLE MAY BE SUBJECT TO ARREST, PROSECUTION, OR ANY
21 CIVIL OR ADMINISTRATIVE PENALTY, INCLUDING A CIVIL PENALTY OR
22 DISCIPLINARY ACTION BY A PROFESSIONAL LICENSING BOARD, OR BE DENIED ANY
23 RIGHT OR PRIVILEGE FOR INVOLVEMENT IN THE OPERATION OR USE OF SERVICES
24 OF THE PROGRAM:

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

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

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

(B) NO PROPERTY OWNER, MANAGER, EMPLOYEE, VOLUNTEER, OR INDIVIDUAL USING THE SERVICES OF A PROGRAM AND ACTING IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE MAY BE SUBJECT UNDER STATE OR LOCAL LAW TO THE SEIZURE OR FORFEITURE OF ANY REAL OR PERSONAL PROPERTY USED IN CONNECTION WITH A PROGRAM.

24-1805.

NOTWITHSTANDING THE PROVISIONS OF § 24-1804 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.

24-1806.

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

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

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

(3) THE NUMBER OF:

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

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

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

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

1 **(6) ANY OTHER INFORMATION THAT THE DEPARTMENT DETERMINES**
2 **IS NECESSARY FOR ASSESSING THE IMPACT OF THE PROGRAM.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
4 1, 2021. It shall remain effective for a period of 4 years and, at the end of June 30, 2025,
5 this Act, with no further action required by the General Assembly, shall be abrogated and
6 of no further force and effect.