

HOUSE BILL 361

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2002 Regular Session  
(21r0705)

**ENROLLED BILL**

-- *Environmental Matters/Education, Health, and Environmental Affairs* --

Introduced by **Delegate Hubbard**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER 361

1 AN ACT concerning

2 **Department of Health and Mental Hygiene - Biological Agents Registry**  
3 **Program**

4 FOR the purpose of establishing a program in the Department of Health and Mental  
5 Hygiene for the registration of biological agents; requiring the Department to  
6 administer the program; providing for the contents of the biological agents  
7 registry; requiring the Department to adopt certain regulations; requiring  
8 certain persons to report certain information to the Department for inclusion in  
9 the biological agents registry; providing for an exemption for certain biological  
10 agents and laboratories from inclusion in the biological agents registry;  
11 providing that certain information contained within the biological agents  
12 registry shall be confidential and is not subject to the public information law;  
13 providing for certain penalties; and generally relating to the establishment of a  
14 biological agents registry in the Department of Health and Mental Hygiene.

15 BY adding to  
16 Article - Health - General

1 Section 17-601 through 17-605, inclusive, to be under the new subtitle "Subtitle  
2 6. Biological Agents Registry Program"  
3 Annotated Code of Maryland  
4 (2000 Replacement Volume and 2001 Supplement)

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

7 **Article - Health - General**

8 **SUBTITLE 6. BIOLOGICAL AGENTS REGISTRY PROGRAM.**

9 17-601.

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

12 (B) "BIOLOGICAL AGENT" MEANS:

13 (1) ANY SELECT AGENT THAT IS A MICROORGANISM, VIRUS,  
14 BACTERIUM, FUNGUS, RICKETTSIA, OR TOXIN LISTED IN TITLE 42, PART 72, APPENDIX  
15 A OF THE CODE OF FEDERAL REGULATIONS;

16 (2) ANY GENETICALLY MODIFIED MICROORGANISMS OR GENETIC  
17 ELEMENTS FROM AN ORGANISM LISTED IN TITLE 42, PART 72, APPENDIX A OF THE  
18 CODE OF FEDERAL REGULATIONS, SHOWN TO PRODUCE OR ENCODE FOR A FACTOR  
19 ASSOCIATED WITH A DISEASE; OR

20 (3) ANY GENETICALLY MODIFIED MICROORGANISMS OR GENETIC  
21 ELEMENTS THAT CONTAIN NUCLEIC ACID SEQUENCES CODING FOR ANY OF THE  
22 TOXINS LISTED IN TITLE 42, PART 72, APPENDIX A OF THE CODE OF FEDERAL  
23 REGULATIONS, OR THEIR TOXIC SUBMITTS.

24 (C) "PROGRAM" MEANS THE BIOLOGICAL AGENTS REGISTRY PROGRAM.

25 17-602.

26 (A) THERE IS A BIOLOGICAL AGENTS REGISTRY PROGRAM IN THE  
27 DEPARTMENT.

28 (B) THE BIOLOGICAL AGENTS REGISTRY SHALL:

29 (1) IDENTIFY THE BIOLOGICAL AGENTS POSSESSED AND MAINTAINED  
30 BY ANY PERSON IN THIS STATE; AND

31 (2) CONTAIN OTHER INFORMATION AS REQUIRED BY REGULATIONS  
32 ADOPTED BY THE DEPARTMENT.

33 (C) THE DEPARTMENT SHALL ADOPT REGULATIONS FOR THE  
34 IMPLEMENTATION OF THE PROGRAM THAT:

1 (1) DETERMINE AND LIST THE BIOLOGICAL AGENTS REQUIRED TO BE  
2 REPORTED UNDER THIS SUBTITLE;

3 (2) DESIGNATE THE PERSONS REQUIRED TO MAKE REPORTS AND THE  
4 SPECIFIC INFORMATION REQUIRED TO BE REPORTED;

5 (3) DESIGNATE TIME LIMITS FOR REPORTING, THE FORM OF REPORTS,  
6 AND THE PERSONS TO WHOM REPORTS ARE TO BE SUBMITTED;

7 (4) PROVIDE FOR THE RELEASE OF INFORMATION IN THE BIOLOGICAL  
8 AGENTS REGISTRY TO STATE AND FEDERAL LAW ENFORCEMENT AGENCIES AND THE  
9 CENTERS FOR DISEASE CONTROL AND PREVENTION PURSUANT TO A  
10 COMMUNICABLE DISEASE INVESTIGATION COMMENCED OR CONDUCTED BY THE  
11 DEPARTMENT OR OTHER STATE OR FEDERAL LAW ENFORCEMENT AGENCY HAVING  
12 INVESTIGATORY AUTHORITY, OR IN CONNECTION WITH ANY INVESTIGATION  
13 INVOLVING RELEASE, THEFT, OR LOSS OF BIOLOGICAL AGENTS;

14 (5) ESTABLISH A SYSTEM OF SAFEGUARDS THAT REQUIRES PERSONS  
15 POSSESSING ~~AND MAINTAINING~~, *MAINTAINING, AND TRANSFERRING* BIOLOGICAL  
16 AGENTS SUBJECT TO THIS SUBTITLE TO COMPLY WITH THE SAME FEDERAL  
17 STANDARDS THAT APPLY TO PERSONS REGISTERED TO ~~POSSESS~~ *TRANSFER* THE  
18 SAME AGENTS UNDER FEDERAL LAW; AND

19 (6) ESTABLISH A PROCESS FOR PERSONS THAT POSSESS AND MAINTAIN  
20 BIOLOGICAL AGENTS TO ALERT APPROPRIATE AUTHORITIES OF UNAUTHORIZED  
21 POSSESSION OR ATTEMPTED POSSESSION OF BIOLOGICAL AGENTS.

22 17-603.

23 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ANY PERSON  
24 THAT POSSESSES AND MAINTAINS ANY BIOLOGICAL AGENT SHALL REPORT TO THE  
25 DEPARTMENT THE INFORMATION REQUIRED BY THE DEPARTMENT FOR INCLUSION  
26 IN THE BIOLOGICAL AGENT REGISTRY.

27 (B) SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO A BIOLOGICAL  
28 AGENT OR A CERTIFIED LABORATORY OR FACILITY THAT IS EXEMPT FROM THE  
29 REQUIREMENTS FOR THE INTERSTATE SHIPMENT OF ETIOLOGIC AGENTS UNDER  
30 TITLE 42, PART 72.6(H) OR PART 72, APPENDIX A OF THE CODE OF FEDERAL  
31 REGULATIONS.

32 17-604.

33 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, INFORMATION  
34 PREPARED FOR OR MAINTAINED IN THE BIOLOGICAL AGENTS REGISTRY SHALL BE  
35 CONFIDENTIAL AND IS NOT SUBJECT TO TITLE 10, SUBTITLE 6 OF THE STATE  
36 GOVERNMENT ARTICLE.

37 (B) RELEASE OF INFORMATION FROM THE REGISTRY AS AUTHORIZED BY  
38 REGULATIONS ADOPTED UNDER § 17-602(C)(4) OF THIS SUBTITLE SHALL NOT  
39 RENDER THE INFORMATION RELEASED A PUBLIC RECORD.

1 17-605.

2 (A) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY  
3 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING  
4 \$100 FOR THE FIRST OFFENSE AND NOT EXCEEDING \$500 FOR EACH SUBSEQUENT  
5 CONVICTION FOR A VIOLATION OF THE SAME PROVISION.

6 (B) EACH DAY A VIOLATION IS CONTINUED AFTER THE FIRST CONVICTION IS  
7 A SUBSEQUENT OFFENSE.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2002.