

HOUSE BILL 666

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2004 Regular Session
(41r0089)

ENROLLED BILL

-- Health and Government Operations/Education, Health, and Environmental Affairs --

Introduced by ~~Chairman, Health and Government Operations Committee (By Request - Departmental - Health and Mental Hygiene) Delegates~~
Hubbard, Aumann, Hurson, Hammen, Benson, Boteler, Boutin, Bromwell, Costa, Donoghue, Elliott, Goldwater, Kach, Mandel, McDonough, Morhaim, Murray, Nathan-Pulliam, Oaks, Pendergrass, Rosenberg, Rudolph, Smigiel, V. Turner, and Weldon

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 59

1 AN ACT concerning

2 **Biological Agents Registry Program**

3 FOR the purpose of ~~providing~~ requiring the Department of Health and Mental
4 Hygiene to adopt regulations that require local jurisdictions to be informed of
5 the location and nature of certain biological agents in the Biological Agents
6 Registry and provide for the release of certain information to certain units of
7 government, certain police officers, and certain fire or emergency medical
8 services entities; prohibiting disclosure of certain information to another person
9 or entity unless authorized; defining certain terms; requiring the Department to
10 adopt certain regulations in consultation with certain groups; clarifying the
11 definition of a certain term; and generally relating to the Biological Agents
12 Registry Program in the Department of Health and Mental Hygiene.

1 BY repealing and reenacting, with amendments,
2 Article - Health - General
3 Section 17-601, 17-602, and 17-604
4 Annotated Code of Maryland
5 (2000 Replacement Volume and 2003 Supplement)

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

8 **Article - Health - General**

9 17-601.

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

11 (b) "Biological agent" means[:

12 (1) Any select agent that is a microorganism, virus, bacterium, fungus,
13 rickettsia, or toxin listed in Title 42, Part 72, Appendix A of the Code of Federal
14 Regulations;

15 (2) Any genetically modified microorganisms or genetic elements from
16 an organism listed in Title 42, Part 72, Appendix A of the Code of Federal Regulations,
17 shown to produce or encode for a factor associated with a disease; or

18 (3) Any genetically modified microorganisms or genetic elements that
19 contain nucleic acid sequences coding for any of the toxins listed in Title 42, Part 72,
20 Appendix A of the Code of Federal Regulations, or their toxic submits] ANY
21 BIOLOGICAL AGENT AS DEFINED IN TITLE 42, PART 73 OF THE CODE OF FEDERAL
22 REGULATIONS, OR TITLE 9, PART 121 OF THE CODE OF FEDERAL REGULATIONS.

23 (C) "MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS"
24 MEANS THE UNIT DESCRIBED IN § 13-503 OF THE EDUCATION ARTICLE.

25 (D) "PERSON" INCLUDES STATE AND FEDERAL UNITS OF GOVERNMENT.

26 [(c)] (E) "Program" means the Biological Agents Registry Program.

27 17-602.

28 (a) There is a Biological Agents Registry Program in the Department.

29 (b) The Biological Agents Registry shall:

30 (1) Identify the biological agents possessed and maintained by any
31 person in this State; and

32 (2) Contain other information as required by regulations adopted by the
33 Department.

1 (c) The Department shall adopt regulations for the implementation of the
2 Program that:

3 (1) Determine and list the biological agents required to be reported
4 under this subtitle;

5 (2) Designate the persons required to make reports and the specific
6 information required to be reported;

7 (3) Designate time limits for reporting, the form of reports, and the
8 persons to whom reports are to be submitted;

9 (4) REQUIRE LOCAL JURISDICTIONS TO BE INFORMED OF THE
10 LOCATION AND NATURE OF EACH BIOLOGICAL AGENT IN THE REGISTRY THAT IS
11 LOCATED WITHIN THE LOCAL JURISDICTION;

12 ~~(4)~~ (5) Provide for the release of ~~SPECIFIED~~ information in the
13 Biological Agents Registry to:

14 (I) State and federal law enforcement agencies and the Centers for
15 Disease Control and Prevention pursuant to a communicable disease investigation
16 commenced or conducted by the Department or other State or federal law
17 enforcement agency having investigatory authority, or in connection with any
18 investigation involving release, theft, or loss of biological agents;

19 (II) THE MARYLAND EMERGENCY MANAGEMENT AGENCY AND THE
20 MARYLAND DEPARTMENT OF THE ENVIRONMENT FOR THE PURPOSES OF PLANNING
21 FOR THE PROTECTION OF THE PUBLIC IN RELATION TO THE RELEASE OF A
22 BIOLOGICAL AGENT AND THE PREVENTION OF A RELEASE OF A BIOLOGICAL AGENT;
23 AND

24 (III) THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL
25 SERVICES SYSTEMS FOR THE PURPOSES OF PROVIDING CERTAIN SPECIFIED
26 INFORMATION TO: A FIRE OR EMERGENCY MEDICAL SERVICES ENTITY, AS DEFINED
27 IN § 7-101 OF THE PUBLIC SAFETY ARTICLE, PERFORMING EMERGENCY SERVICES,
28 PROCEEDING TO A FIRE OR OTHER EMERGENCY, OR DISPATCHED ON A CALL FOR
29 EMERGENCY SERVICES;

30 1. A POLICE OFFICER, AS DEFINED IN § 3-201(E) OF THE
31 PUBLIC SAFETY ARTICLE, RESPONDING TO AN EMERGENCY; AND

32 2. A FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES
33 ENTITY, AS DEFINED IN § 7-101 OF THE PUBLIC SAFETY ARTICLE, PERFORMING
34 EMERGENCY SERVICES, RESPONDING TO A FIRE OR OTHER EMERGENCY, OR
35 DISPATCHED ON A CALL FOR EMERGENCY SERVICES;

36 ~~(5)~~ (6) Establish a system of safeguards that requires persons
37 possessing, maintaining, and transferring biological agents subject to this subtitle to
38 comply with the same federal standards that apply to persons registered to transfer
39 the same agents under federal law; and

1 ~~(6)~~ (7) Establish a process for persons that possess and maintain
2 biological agents to alert appropriate authorities of unauthorized possession or
3 attempted possession of biological agents.

4 17-604.

5 (a) Except as otherwise provided in this subtitle, information prepared for or
6 maintained in the Biological Agents Registry shall be confidential and is not subject
7 to Title 10, Subtitle 6 of the State Government Article.

8 (b) Release of information from the Registry as authorized by regulations
9 adopted under ~~§ 17-602(e)(4)~~ § 17-602(C) of this subtitle shall not render the
10 information released a public record.

11 (C) A PERSON OR ENTITY TO WHOM SPECIFIED INFORMATION HAS BEEN
12 RELEASED FROM THE REGISTRY AS AUTHORIZED BY REGULATIONS ADOPTED
13 UNDER ~~§ 17-602(C)(4)~~ § 17-602(C) OF THIS SUBTITLE MAY NOT RELEASE THE
14 INFORMATION UNLESS THE RELEASE IS APPROVED BY THE BIOLOGICAL AGENTS
15 REGISTRY PROGRAM.

16 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
17 Health and Mental Hygiene shall adopt regulations to implement § 17-602(c)(4) of
18 the Health - General Article, as enacted by Section 1 of this Act, in consultation with
19 local jurisdictions, and shall consider current standards and security measures
20 followed by local officials and emergency response agencies when obtaining
21 information about facilities within their jurisdictions that contain nuclear and
22 chemically hazardous materials.

23 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of
24 Health and Mental Hygiene, in consultation with the Governor's Office of Homeland
25 Security, the Maryland Emergency Management Agency, the Maryland Institute for
26 Emergency Medical Services Systems, the Maryland Department of the Environment,
27 the Maryland Association of Counties, the Maryland Municipal League, and local
28 jurisdictions, shall adopt regulations to implement § 17-602(c)(5)(iii) of the Health -
29 General Article, as enacted by Section 1 of this Act, that establish procedures for
30 identifying, distributing, and maintaining the confidentiality of secure information
31 contained in the Biological Agents Registry.

32 ~~SECTION 2.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
33 effect October 1, 2004.

