

HOUSE BILL 343

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By: **Delegate Pendergrass**

Introduced and read first time: February 1, 2007

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Health and Mental Hygiene - Laboratories - Letter of**
3 **Exception**

4 FOR the purpose of altering a certain definition that relates to the circumstances
5 under which the Secretary of Health and Mental Hygiene is required to issue a
6 letter of exception from certain State licensing requirements for laboratories;
7 and generally relating to exceptions from State licensing requirements for
8 laboratories.

9 BY repealing and reenacting, with amendments,
10 Article - Health - General
11 Section 17-205
12 Annotated Code of Maryland
13 (2005 Replacement Volume and 2006 Supplement)

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

16 **Article - Health - General**

17 17-205.

18 (a) A person shall hold a license issued by the Secretary before the person
19 may:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) Offer or perform medical laboratory tests or examinations in this
2 State;

3 (2) Offer or perform medical laboratory tests or examinations on
4 specimens acquired from health care providers in this State at a medical laboratory
5 located outside this State; or

6 (3) Represent or service in this State a medical laboratory regardless
7 of the laboratory's location.

8 (b) The Secretary shall issue a letter of exception to a laboratory that:

9 (1) Performs only limited medical laboratory tests or examinations;
10 and

11 (2) Meets the exception requirements in regulations adopted by the
12 Secretary pursuant to this subtitle.

13 (c) For the purposes of this section, "limited medical laboratory tests or
14 examinations" means [simple] medical laboratory procedures as defined in regulations
15 adopted by the Secretary pursuant to this subtitle.

16 (d) If preliminary screening procedures are performed by an operator who is
17 trained under § 17-214(k) of this subtitle, an employer:

18 (1) Is not required to obtain a permit or to obtain a letter of exception
19 from the Secretary under this section to perform testing; but

20 (2) Is required before performing preliminary screening procedures, as
21 defined under § 17-214(a) of this subtitle, to register with the Secretary in accordance
22 with requirements adopted in regulations by the Department of Health and Mental
23 Hygiene.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2007.