

SB0361/503325/1

BY: Senators Zirkin and Edwards

AMENDMENTS TO SENATE BILL 361
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after “coverage;” insert “requiring a permittee to file with the Department of the Environment and a certain local health department certain documentation; providing that the Department and the local health department shall maintain the confidentiality of certain information included in the documentation except under certain circumstances; requiring an individual or a certain agency to whom the documentation is disclosed to maintain the confidentiality of the contents of the documentation except under certain circumstances; providing for the construction of a certain provision of this Act;”; and after line 26, insert:

“BY adding to

Article - Environment

Section 14-111(h)

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 2

On page 3, strike line 28 in its entirety.

On page 4, in lines 1 and 2, strike “**(2)**” and “**(3)**”, respectively, and substitute “**(1)**” and “**(2)**”, respectively; and in line 1, after “**DISCOVERABLE**” insert “**, SUBJECT TO § 14-111 OF THE ENVIRONMENT ARTICLE**”.

On page 5, after line 2, insert:

“**(H) (1) EVERY HOLDER OF A PERMIT TO DRILL FOR THE HYDRAULIC FRACTURING OF A WELL FOR THE EXPLORATION OR PRODUCTION OF NATURAL**”

(Over)

GAS IN THE STATE SHALL FILE WITH THE DEPARTMENT AND THE APPROPRIATE LOCAL HEALTH DEPARTMENT DOCUMENTATION STATING THE COMPOSITION OF THE INJECTION FLUID USED FOR HYDRAULIC FRACTURING OF THE WELL.

(2) (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii) OF THIS PARAGRAPH, THE DEPARTMENT AND THE LOCAL HEALTH DEPARTMENT SHALL KEEP THE SPECIFIC CONCENTRATION OF THE CHEMICAL CONSTITUENTS THAT ARE INCLUDED IN THE DOCUMENTATION FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION CONFIDENTIAL.

(ii) ON REQUEST, THE DEPARTMENT OR A LOCAL HEALTH DEPARTMENT SHALL DISCLOSE THE CONTENTS OF THE DOCUMENTS FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO:

1. A HEALTH CARE PROFESSIONAL FOR MEDICAL PURPOSES;
2. A PARTY TO A CIVIL OR CRIMINAL ACTION FOR LITIGATION PURPOSES;
3. A FEDERAL, STATE, OR LOCAL AGENCY; OR
4. A PUBLIC HEALTH PROFESSIONAL, A TOXICOLOGIST, OR AN EPIDEMIOLOGIST EMPLOYED IN THE FIELD OF PUBLIC HEALTH FOR PUBLIC HEALTH PURPOSES.

(3) (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii), (iii), OR (iv) OF THIS PARAGRAPH, AN INDIVIDUAL OR A FEDERAL, STATE, OR LOCAL AGENCY TO WHOM DOCUMENTATION IS DISCLOSED UNDER PARAGRAPH (2)(ii) OF

THIS SUBSECTION SHALL MAINTAIN THE CONFIDENTIALITY OF THE CONTENTS OF THE DOCUMENTATION.

(II) A HEALTH CARE PROFESSIONAL MAY SHARE THE DOCUMENTATION WITH OTHER INDIVIDUALS AS REASONABLY NECESSARY FOR PURPOSES OF PROVIDING MEDICAL CARE, INCLUDING WITH THE PATIENT TO WHOM THE PROFESSIONAL IS PROVIDING CARE AND OTHER HEALTH CARE PROFESSIONALS INVOLVED IN THE PATIENT'S CARE.

(III) A PARTY TO A CIVIL OR CRIMINAL ACTION MAY SHARE THE DOCUMENTATION WITH EXPERT WITNESSES, JURORS, AND OTHER INDIVIDUALS AS REASONABLY NECESSARY FOR PURPOSES OF LITIGATING THE CIVIL OR CRIMINAL ACTION.

(IV) A FEDERAL, STATE, OR LOCAL AGENCY MAY SHARE THE DOCUMENTATION WITH OTHER AGENCIES OR INDIVIDUALS AS REASONABLY NECESSARY TO PROTECT PUBLIC HEALTH AND SAFETY.

(4) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO REQUIRE THE DEPARTMENT, A LOCAL HEALTH DEPARTMENT, OR ANY OTHER PERSON TO KEEP THE IDENTITY OF ANY CHEMICAL CONSTITUENT THAT IS INCLUDED IN THE DOCUMENTATION FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION CONFIDENTIAL.”.