

HOUSE BILL 699

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CF SB 700

By: **Delegates K. Young and Krimm, Krimm, and Hill**

Introduced and read first time: February 5, 2016

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2016

CHAPTER _____

1 AN ACT concerning

2 **Department of Health and Mental Hygiene – Biosafety Level 3 Laboratories**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to ~~identify~~
4 ~~certain biosafety level 3 (BSL-3) laboratories and, with certain assistance, the~~
5 ~~location of these laboratories; requiring the Department to collect certain~~
6 ~~information from the laboratories relevant to public health and safety~~ develop and
7 make available a certain form; requiring certain BSL-3 laboratories to report
8 annually, on or before a certain date, certain information to the Department;
9 requiring the Department to report annually, on or before a certain date, the number
10 and location of the laboratories, in total and by local jurisdiction, to certain officials
11 in each local jurisdiction in the State, and the total number of the laboratories to the
12 Governor and the General Assembly; providing that certain information is
13 confidential and not subject to inspection under certain provisions of law;
14 establishing certain penalties; requiring the Department to develop a strategy for a
15 certain purpose; defining a certain term; providing for the application of this Act;
16 and generally relating to biosafety level 3 (BSL-3) laboratories.

17 BY adding to

18 Article – Health – General

19 Section 17-701 to be under the new subtitle “Subtitle 7. Biosafety Level 3 (BSL-3)

20 Laboratories That Do Not Work With Federally Regulated Biological Select

21 Agents and Toxins or Their Products”

22 Annotated Code of Maryland

23 (2015 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

Article – Health – General

**SUBTITLE 7. BIOSAFETY LEVEL 3 (BSL-3) LABORATORIES THAT DO NOT WORK
WITH FEDERALLY REGULATED BIOLOGICAL SELECT AGENTS AND TOXINS OR
THEIR PRODUCTS.**

17-701.

(A) IN THIS SECTION, “BSL-3 LABORATORY” MEANS A LABORATORY DESIGNATED AS A BIOSAFETY LEVEL 3 (BSL-3) LABORATORY BY THE FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION AND THE U.S. DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE, AS APPLICABLE, BASED ON:

(1) USAGE OF BIOLOGICAL AGENTS THAT MAY CAUSE SERIOUS OR POTENTIALLY LETHAL DISEASE AFTER INHALATION, INGESTION, OR ABSORPTION; AND

(2) REQUIRED BIOCONTAINMENT PRECAUTIONS.

(B) THIS SECTION APPLIES TO EACH BSL-3 LABORATORY IN THE STATE THAT:

(1) DOES NOT WORK WITH FEDERALLY REGULATED BIOLOGICAL SELECT AGENTS AND TOXINS OR THEIR PRODUCTS; AND

(2) (i) IS A COMMERCIAL OR FOR-PROFIT LABORATORY; ~~OR~~

(ii) IS OWNED BY OR IS PART OF A TEACHING HOSPITAL OR AN INSTITUTION OF POST-SECONDARY EDUCATION; OR

(iii) IS A PRIVATELY FUNDED BIOMEDICAL RESEARCH LABORATORY.

(C) THE DEPARTMENT SHALL:

~~(1) IDENTIFY EACH BSL-3 LABORATORY SUBJECT TO THIS SECTION;~~

~~(2) WITH THE ASSISTANCE OF LOCAL GOVERNMENT PERMITTING RECORDS, DETERMINE THE LOCATION OF EACH BSL-3 LABORATORY IDENTIFIED;~~
AND

1 ~~(3) COLLECT FROM EACH BSL-3 LABORATORY IDENTIFIED ANY~~
2 ~~INFORMATION THE DEPARTMENT CONSIDERS RELEVANT TO PUBLIC HEALTH AND~~
3 ~~SAFETY DEVELOP AND MAKE AVAILABLE A STANDARDIZED FORM FOR A BSL-3~~
4 ~~LABORATORY SUBJECT TO THIS SECTION TO USE TO PROVIDE THE INFORMATION~~
5 ~~REQUIRED UNDER SUBSECTION (D) OF THIS SECTION.~~

6 ~~(D) EACH BSL-3 LABORATORY SUBJECT TO THIS SECTION SHALL REPORT~~
7 ~~TO THE DEPARTMENT THE INFORMATION THE DEPARTMENT REQUIRES UNDER~~
8 ~~SUBSECTION (C)(3) OF THIS SECTION.~~

9 (D) ON OR BEFORE SEPTEMBER 30, 2017, AND ON OR BEFORE SEPTEMBER
10 30 OF EACH SUBSEQUENT YEAR, EACH BSL-3 LABORATORY SUBJECT TO THIS
11 SECTION SHALL REPORT TO THE DEPARTMENT:

12 (1) THE ADDRESS OF THE LABORATORY;

13 (2) THE NAME, TELEPHONE NUMBER, AND E-MAIL ADDRESS OF A
14 CONTACT PERSON FOR THE LABORATORY; AND

15 (3) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT TO
16 DETERMINE THE LOCATION OF THE LABORATORY.

17 (E) ON OR BEFORE DECEMBER 31, 2017, AND ON OR BEFORE DECEMBER
18 31 EACH SUBSEQUENT YEAR, THE DEPARTMENT SHALL REPORT TO:

19 (1) THE HEALTH OFFICER AND EMERGENCY MANAGEMENT ~~AND~~
20 ~~PUBLIC HEALTH~~ OFFICIALS OF EACH LOCAL JURISDICTION IN THE STATE THE
21 NUMBER AND LOCATION, IN TOTAL AND BY LOCAL JURISDICTION, OF BSL-3
22 LABORATORIES SUBJECT TO THIS SECTION; AND

23 (2) THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE
24 STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY THE TOTAL NUMBER OF
25 BSL-3 LABORATORIES SUBJECT TO THIS SECTION.

26 (F) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION,
27 ~~INFORMATION ABOUT THE NUMBER AND LOCATION OF, AND ANY OTHER ANY~~
28 INFORMATION THE DEPARTMENT COLLECTS FROM, BSL-3 LABORATORIES
29 SUBJECT TO THIS SECTION IS CONFIDENTIAL AND NOT SUBJECT TO INSPECTION
30 UNDER TITLE 4 OF THE GENERAL PROVISIONS ARTICLE.

31 (G) (1) A BSL-3 LABORATORY SUBJECT TO THIS SECTION THAT FAILS TO
32 REPORT THE INFORMATION REQUIRED UNDER SUBSECTION (D) OF THIS SECTION IS
33 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT

1 EXCEEDING \$100 FOR THE FIRST OFFENSE AND NOT EXCEEDING \$500 FOR EACH
2 SUBSEQUENT CONVICTION.

3 (2) EACH DAY A VIOLATION CONTINUES AFTER THE FIRST
4 CONVICTION IS A SUBSEQUENT OFFENSE.

5 (3) IN ADDITION TO ANY OTHER PENALTIES PROVIDED UNDER THIS
6 SUBSECTION, A BSL-3 LABORATORY SUBJECT TO THIS SECTION THAT FAILS TO
7 REPORT THE INFORMATION REQUIRED UNDER SUBSECTION (D) OF THIS SECTION IS
8 SUBJECT TO AN ADMINISTRATIVE FINE NOT EXCEEDING \$500.

9 SECTION 2. AND BE IT FURTHER ENACTED, That:

10 (a) The Department of Health and Mental Hygiene shall develop a strategy to
11 attempt to identify biosafety level 3 laboratories that are subject to Section 1 of this Act for
12 the purpose of notifying the laboratories of the requirements of this Act.

13 (b) The strategy may rely on the list of possible laboratories used by the 2013
14 Workgroup on Biocontainment Laboratory Oversight convened by the Department of
15 Health and Mental Hygiene, information available from biotechnology councils and
16 scientific groups, information available from local government agencies, and other sources
17 that may help to identify biosafety level 3 laboratories subject to Section 1 of this Act.

18 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.