

HOUSE BILL 699

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6lr1782
CF 6lr1784

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

Introduced and read first time: February 5, 2016

Assigned to: Health and Government Operations

A BILL ENTITLED

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; requiring
7 certain BSL–3 laboratories to report certain information to the Department;
8 requiring the Department to report annually, on or before a certain date, the number
9 and location of the laboratories, in total and by local jurisdiction, to certain officials
10 in each local jurisdiction in the State, and the total number of the laboratories to the
11 Governor and the General Assembly; providing that certain information is
12 confidential and not subject to inspection under certain provisions of law;
13 establishing certain penalties; defining a certain term; providing for the application
14 of this Act; and generally relating to biosafety level 3 (BSL–3) laboratories.

15 BY adding to

16 Article – Health – General

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

18 Laboratories That Do Not Work With Federally Regulated Biological Select

19 Agents and Toxins or Their Products”

20 Annotated Code of Maryland

21 (2015 Replacement Volume)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

23 That the Laws of Maryland read as follows:

24 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 **17-701.**

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

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

13 (2) REQUIRED BIOCONTAINMENT PRECAUTIONS.

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

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

18 (2) (I) IS A COMMERCIAL OR FOR-PROFIT LABORATORY; OR

19 (II) IS OWNED BY OR IS PART OF A TEACHING HOSPITAL OR AN
20 INSTITUTION OF POST-SECONDARY EDUCATION.

21 (C) THE DEPARTMENT SHALL:

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

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

26 (3) COLLECT FROM EACH BSL-3 LABORATORY IDENTIFIED ANY
27 INFORMATION THE DEPARTMENT CONSIDERS RELEVANT TO PUBLIC HEALTH AND
28 SAFETY.

1 **(D) EACH BSL-3 LABORATORY SUBJECT TO THIS SECTION SHALL REPORT**
2 **TO THE DEPARTMENT THE INFORMATION THE DEPARTMENT REQUIRES UNDER**
3 **SUBSECTION (C)(3) OF THIS SECTION.**

4 **(E) ON OR BEFORE DECEMBER 31, 2017, AND ON OR BEFORE DECEMBER**
5 **31 EACH SUBSEQUENT YEAR, THE DEPARTMENT SHALL REPORT TO:**

6 **(1) THE EMERGENCY MANAGEMENT AND PUBLIC HEALTH OFFICIALS**
7 **OF EACH LOCAL JURISDICTION IN THE STATE THE NUMBER AND LOCATION, IN**
8 **TOTAL AND BY LOCAL JURISDICTION, OF BSL-3 LABORATORIES SUBJECT TO THIS**
9 **SECTION; AND**

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

13 **(F) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION,**
14 **INFORMATION ABOUT THE NUMBER AND LOCATION OF, AND ANY OTHER**
15 **INFORMATION THE DEPARTMENT COLLECTS FROM, BSL-3 LABORATORIES**
16 **SUBJECT TO THIS SECTION IS CONFIDENTIAL AND NOT SUBJECT TO INSPECTION**
17 **UNDER TITLE 4 OF THE GENERAL PROVISIONS ARTICLE.**

18 **(G) (1) A BSL-3 LABORATORY SUBJECT TO THIS SECTION THAT FAILS TO**
19 **REPORT THE INFORMATION REQUIRED UNDER SUBSECTION (D) OF THIS SECTION IS**
20 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**
21 **EXCEEDING \$100 FOR THE FIRST OFFENSE AND NOT EXCEEDING \$500 FOR EACH**
22 **SUBSEQUENT CONVICTION.**

23 **(2) EACH DAY A VIOLATION CONTINUES AFTER THE FIRST**
24 **CONVICTION IS A SUBSEQUENT OFFENSE.**

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

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2016.