

SENATE BILL 97

J1

(PRE-FILED)

6lr0080
CF HB 468

By: **Chair, Finance Committee (By Request – Departmental – Health and Mental Hygiene)**

Requested: October 6, 2015

Introduced and read first time: January 13, 2016

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 12, 2016

CHAPTER _____

1 AN ACT concerning

2 **Public Health – Opioid-Associated Disease Prevention and Outreach Programs**

3 FOR the purpose of repealing the Prince George’s County AIDS Prevention Sterile Needle
4 and Syringe Exchange Program; authorizing the establishment of
5 Opioid-Associated Disease Prevention and Outreach Programs by certain entities;
6 authorizing a county to cooperate with another county to establish a Program;
7 requiring a local health department or a certain community-based organization to
8 apply to the Department of Health and Mental Hygiene and a local health officer for
9 authorization to operate a Program; authorizing a local health department or a
10 certain community-based organization to apply at any time for authorization to
11 operate a Program; requiring the Department and a local health officer to jointly
12 issue a certain determination; requiring the Department and a local health officer to
13 approve or deny an application for authorization to operate a Program within a
14 certain time period and to provide a certain explanation; authorizing a local health
15 department or a certain community-based organization to appeal a certain decision
16 to the Deputy Secretary for Public Health Services; requiring the Deputy Secretary
17 to grant or deny a certain appeal within a certain time period and to provide a
18 written explanation of a certain decision; requiring a Program to provide for the
19 exchange by participants of ~~used~~ hypodermic needles and syringes; requiring a
20 Program to operate in accordance with procedures approved by certain local health
21 officers and the Department of ~~Health and Mental Hygiene~~, on the recommendation
22 of a certain committee; requiring a Program to be designed and maintained to
23 provide security of ~~exchange~~ Program locations and equipment, in accordance with

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.



1 certain regulations; requiring a Program to be operated to allow participants to
 2 ~~exchange used~~ obtain and retain hypodermic needles at any exchange Program
 3 location; requiring a Program to include appropriate levels of staff expertise and
 4 training; requiring a Program to provide for the dissemination of other preventive
 5 means of curtailing the spread of certain diseases; requiring a Program to provide
 6 linkage to ~~drug counseling and treatment~~ certain additional services; requiring a
 7 Program to educate ~~individuals who inject drugs~~ participants on the dangers of
 8 contracting certain diseases ~~through needle sharing practices and unsafe sexual~~
 9 ~~behaviors~~; requiring a Program to provide overdose prevention education and access
 10 to naloxone or a certain referral; requiring a Program to establish procedures for
 11 identifying Program participants that are consistent with certain confidentiality
 12 provisions; requiring a Program to develop a plan for data collection and Program
 13 evaluation in accordance with certain regulations; authorizing a Program to provide
 14 certain additional services; requiring a Program to develop certain operating
 15 procedures, a certain outreach plan, and a certain protocol with the ~~advice~~ technical
 16 assistance of a certain committee; requiring a Program, ~~on the recommendation by~~
 17 after receiving technical assistance from a certain committee, to submit certain
 18 operating procedures, a certain outreach plan, and a certain protocol to ~~certain~~ local
 19 health officers and the Department ~~of Health and Mental Hygiene~~ for approval ~~or~~
 20 ~~disapproval~~; establishing a certain committee; requiring a certain committee to
 21 provide certain ~~advice~~ technical assistance and recommendations; requiring the
 22 Department ~~of Health and Mental Hygiene~~ to adopt certain regulations and ensure
 23 the provision of certain technical assistance; requiring that a Program participant
 24 be issued a certain identification card; requiring a Program to collect and report, at
 25 certain intervals, certain data to the Department; providing that certain information
 26 about a Program participant is confidential; providing that a Program staff member,
 27 Program volunteer, or Program participant may not be found guilty of violating
 28 certain laws arrested, charged, or prosecuted for certain violations under certain
 29 circumstances; providing for the application of this Act; defining certain terms; and
 30 generally relating to Opioid-Associated Disease Prevention and Outreach Programs.

31 BY repealing

32 Article – Health – General

33 Section 24-901 through 24-909 and the subtitle “Subtitle 9. Prince George’s County
 34 AIDS Prevention Sterile Needle and Syringe Exchange Program”

35 Annotated Code of Maryland

36 (2015 Replacement Volume)

37 BY adding to

38 Article – Health – General

39 Section 24-901 through ~~24-908~~ 24-909 to be under the new subtitle “Subtitle 9.
 40 Opioid-Associated Disease Prevention and Outreach Programs”

41 Annotated Code of Maryland

42 (2015 Replacement Volume)

43 Preamble

1 WHEREAS, Infectious diseases, such as HIV, ~~hepatitis B, and hepatitis C~~ and viral
2 hepatitis, persist in Maryland, with injection drug use as a frequent cause of transmission,
3 and there is a need to control the spread of these diseases; and

4 WHEREAS, Syringe ~~exchange~~ services programs provide access to individuals who
5 inject drugs and engage these individuals in sexually transmitted infection screening,
6 testing, and treatment; hepatitis C screening, testing, and treatment; and HIV screening,
7 testing, and long-term care or pre-exposure prophylaxis; and

8 WHEREAS, Syringe ~~exchange~~ services programs provide comprehensive services for
9 individuals at risk of HIV, ~~hepatitis C viral hepatitis~~, injection-related wounds, and drug
10 overdose, ultimately decreasing the risk of each negative outcome for the individual; and

11 WHEREAS, Syringe ~~exchange~~ services programs have contributed to decreases in
12 the incidence of HIV and ~~hepatitis C viral hepatitis~~ in areas in which the programs operate,
13 including in Baltimore City; and

14 WHEREAS, Syringe ~~exchange~~ services programs enhance the collection of data and
15 information on substance-related disorder trends and patterns; and

16 WHEREAS, Overdose deaths in Maryland have increased dramatically, specifically
17 from opioid use leading to heroin use, and syringe ~~exchange~~ services programs provide an
18 opportunity to provide overdose prevention education and distribute naloxone directly to
19 individuals at risk of overdose; and

20 WHEREAS, Syringe ~~exchange~~ services programs provide an opportunity to link
21 individuals who inject drugs to substance-related disorder treatment and other health
22 services; and

23 WHEREAS, Syringe ~~exchange~~ services programs assist individuals who inject drugs
24 by preventing injection-related wounds and decreasing emergency room visits and
25 associated costs; and

26 WHEREAS, Syringe ~~exchange~~ services programs have been shown to decrease the
27 presence of syringes and needles in public places; and

28 WHEREAS, Syringe ~~exchange~~ services programs provide for proper disposal of
29 contaminated syringes, reducing the number of improperly, casually disposed of syringes
30 that become litter; and

31 WHEREAS, Syringe ~~exchange~~ services programs have been shown to decrease crime
32 rates in areas in which the programs operate, and their operation is supported by law
33 enforcement; and

34 WHEREAS, Syringe ~~exchange~~ services programs have a public health impact that is
35 cost effective; now, therefore,

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 2 That Section(s) 24–901 through 24–909 and the subtitle “Subtitle 9. Prince George’s County
 3 AIDS Prevention Sterile Needle and Syringe Exchange Program” of Article – Health –
 4 General of the Annotated Code of Maryland be repealed.

5 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 6 as follows:

7 **Article – Health – General**

8 **SUBTITLE 9. OPIOID–ASSOCIATED DISEASE PREVENTION AND OUTREACH**
 9 **PROGRAMS.**

10 **24–901.**

11 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 12 INDICATED.

13 (B) ~~“COMMUNITY–BASED ORGANIZATION”~~ “COMMUNITY–BASED
 14 ORGANIZATION” MEANS ~~AN~~ A PUBLIC OR PRIVATE ORGANIZATION THAT IS
 15 REPRESENTATIVE OF A COMMUNITY OR SIGNIFICANT SEGMENTS OF A COMMUNITY
 16 AND PROVIDES EDUCATIONAL, HEALTH, OR SOCIAL SERVICES TO INDIVIDUALS IN
 17 THE COMMUNITY.

18 ~~(C) “COUNTY” DOES NOT INCLUDE BALTIMORE CITY.~~

19 ~~(D)~~ (C) “DRUG” HAS THE MEANING STATED IN § 8–101 OF THIS ARTICLE.

20 ~~(E) “HEPATITIS C VIRUS” HAS THE MEANING STATED IN A CASE DEFINITION~~
 21 ~~ADOPTED BY THE FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION.~~

22 ~~(F)~~ (D) “HIV” MEANS THE HUMAN IMMUNODEFICIENCY VIRUS THAT
 23 CAUSES ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS).

24 ~~(G) “LOCAL HEALTH OFFICER” DOES NOT INCLUDE THE BALTIMORE CITY~~
 25 ~~COMMISSIONER OF HEALTH.~~

26 ~~(H)~~ (E) “PARTICIPANT” MEANS AN INDIVIDUAL WHO HAS REGISTERED
 27 WITH A PROGRAM.

28 ~~(I)~~ (F) “PROGRAM” MEANS AN OPIOID–ASSOCIATED DISEASE
 29 PREVENTION AND OUTREACH PROGRAM.

1 ~~(J)~~ (G) “RESIDUE” MEANS THE ~~DRIED~~ REMAINS OF A CONTROLLED
2 DANGEROUS SUBSTANCE ATTACHED TO OR CONTAINED WITHIN A HYPODERMIC
3 NEEDLE OR SYRINGE.

4 ~~(K)~~ (H) “SUBSTANCE-RELATED DISORDER” HAS THE MEANING STATED IN
5 § 7.5-101 OF THIS ARTICLE.

6 (I) “VIRAL HEPATITIS” MEANS INFLAMMATION OF THE LIVER CAUSED BY
7 THE HEPATITIS A, B, C, D, AND E VIRUSES.

8 24-902.

9 (A) (1) A PROGRAM MAY BE ESTABLISHED BY A LOCAL HEALTH
10 DEPARTMENT OR A COMMUNITY-BASED ORGANIZATION, SUBJECT TO THE
11 PROVISIONS OF THIS SUBTITLE.

12 (2) (I) A COUNTY MAY COOPERATE WITH ANOTHER COUNTY TO
13 ESTABLISH A PROGRAM.

14 (II) A COMMUNITY-BASED ORGANIZATION MAY ESTABLISH A
15 MULTICOUNTY PROGRAM.

16 (3) THIS SUBTITLE DOES NOT APPLY TO THE AIDS PREVENTION
17 STERILE NEEDLE AND SYRINGE EXCHANGE PILOT PROGRAM ESTABLISHED UNDER
18 SUBTITLE 8 OF THIS TITLE.

19 (B) (1) (I) A LOCAL HEALTH DEPARTMENT OR COMMUNITY-BASED
20 ORGANIZATION SHALL APPLY TO THE DEPARTMENT AND A LOCAL HEALTH OFFICER
21 FOR AUTHORIZATION TO OPERATE A PROGRAM.

22 (II) A LOCAL HEALTH DEPARTMENT OR COMMUNITY-BASED
23 ORGANIZATION MAY APPLY AT ANY TIME FOR AUTHORIZATION TO OPERATE A
24 PROGRAM UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

25 (2) THE DEPARTMENT AND A LOCAL HEALTH OFFICER JOINTLY
26 SHALL ISSUE AN AUTHORIZATION DETERMINATION BASED ON THE ABILITY OF A
27 PROGRAM TO MEET THE REQUIREMENTS OF THIS SUBTITLE.

28 (3) THE DEPARTMENT AND A LOCAL HEALTH OFFICER SHALL:

29 (I) APPROVE OR DENY AN APPLICATION FOR AUTHORIZATION
30 TO OPERATE A PROGRAM WITHIN 60 DAYS AFTER RECEIVING A COMPLETE
31 APPLICATION; AND

1 **(II) PROVIDE TO THE APPLICANT A WRITTEN EXPLANATION OF**
 2 **THE DECISION OF THE DEPARTMENT AND LOCAL HEALTH OFFICER.**

3 **(4) (I) A LOCAL HEALTH DEPARTMENT OR COMMUNITY-BASED**
 4 **ORGANIZATION MAY APPEAL AN ADVERSE DECISION BY THE DEPARTMENT AND A**
 5 **LOCAL HEALTH OFFICER TO THE DEPUTY SECRETARY FOR PUBLIC HEALTH**
 6 **SERVICES.**

7 **(II) THE DEPUTY SECRETARY SHALL:**

8 **1. GRANT OR DENY AN APPEAL WITHIN 60 DAYS AFTER**
 9 **RECEIVING AN APPEAL; AND**

10 **2. PROVIDE A WRITTEN EXPLANATION OF THE DEPUTY**
 11 **SECRETARY'S DECISION TO THE LOCAL HEALTH DEPARTMENT OR**
 12 **COMMUNITY-BASED ORGANIZATION.**

13 **(B) (C) IF ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION, A**
 14 **PROGRAM SHALL:**

15 **(1) PROVIDE FOR SUBSTANCE USE OUTREACH, EDUCATION, AND**
 16 **LINKAGE TO TREATMENT SERVICES, INCLUDING THE EXCHANGE BY PARTICIPANTS**
 17 **OF USED HYPODERMIC NEEDLES AND SYRINGES FOR STERILE SERVICES TO**
 18 **PARTICIPANTS, INCLUDING DISTRIBUTION AND COLLECTION OF HYPODERMIC**
 19 **NEEDLES AND SYRINGES; AND**

20 **(2) OPERATE IN ACCORDANCE WITH:**

21 **(I) THE ~~ADVICE~~ TECHNICAL ASSISTANCE OF THE STANDING**
 22 **ADVISORY COMMITTEE; AND**

23 **(II) THE PROCEDURES, PLANS, AND PROTOCOLS APPROVED BY:**

24 **1. THE LOCAL HEALTH OFFICER FOR EACH COUNTY IN**
 25 **WHICH A PROGRAM IS ESTABLISHED; AND**

26 **2. THE DEPARTMENT.**

27 **24-903.**

28 **(A) A PROGRAM SHALL:**

1 (1) BE DESIGNED AND MAINTAINED TO PROVIDE SECURITY OF
2 ~~EXCHANGE PROGRAM~~ LOCATIONS AND EQUIPMENT, IN ACCORDANCE WITH
3 REGULATIONS ADOPTED BY THE DEPARTMENT;

4 (2) BE OPERATED TO ALLOW PARTICIPANTS TO ~~EXCHANGE USED~~
5 OBTAIN AND RETURN HYPODERMIC NEEDLES AND SYRINGES AT ANY ~~EXCHANGE~~
6 PROGRAM LOCATION, IF MORE THAN ONE LOCATION IS AVAILABLE;

7 (3) INCLUDE APPROPRIATE LEVELS OF STAFF EXPERTISE IN
8 WORKING WITH INDIVIDUALS WHO INJECT DRUGS;

9 (4) INCLUDE ADEQUATE STAFF TRAINING IN PROVIDING COMMUNITY
10 REFERRALS, COUNSELING, AND PREVENTIVE EDUCATION;

11 (5) PROVIDE FOR THE DISSEMINATION OF OTHER PREVENTIVE
12 MEANS FOR CURTAILING THE SPREAD OF HIV AND ~~THE HEPATITIS C VIRUS~~ VIRAL
13 HEPATITIS;

14 (6) PROVIDE LINKAGE TO ~~SUBSTANCE-RELATED DISORDER~~
15 ~~COUNSELING, TREATMENT, AND RECOVERY SERVICES~~; ADDITIONAL SERVICES,
16 INCLUDING:

17 (i) SUBSTANCE-RELATED DISORDER COUNSELING,
18 TREATMENT, AND RECOVERY SERVICES;

19 (ii) TESTING FOR HIV, VIRAL HEPATITIS, AND SEXUALLY
20 TRANSMITTED DISEASES;

21 (iii) REPRODUCTIVE HEALTH EDUCATION AND SERVICES;

22 (iv) WOUND CARE; AND

23 (v) THE SERVICES OF AN OVERDOSE RESPONSE PROGRAM
24 UNDER TITLE 13, SUBTITLE 31 OF THIS ARTICLE;

25 (7) EDUCATE ~~INDIVIDUALS WHO INJECT DRUGS~~ PARTICIPANTS ON
26 THE DANGERS OF CONTRACTING ~~HIV, THE HEPATITIS B VIRUS, AND THE HEPATITIS~~
27 ~~C VIRUS THROUGH NEEDLE SHARING PRACTICES AND UNSAFE SEXUAL BEHAVIORS~~
28 HIV AND VIRAL HEPATITIS;

29 (8) PROVIDE OVERDOSE PREVENTION EDUCATION AND ACCESS TO
30 NALOXONE, OR A REFERRAL FOR A PARTICIPANT TO OBTAIN NALOXONE;

1 ~~(8)~~ (9) ESTABLISH PROCEDURES FOR IDENTIFYING PROGRAM
2 PARTICIPANTS THAT ARE CONSISTENT WITH THE CONFIDENTIALITY PROVISIONS OF
3 THIS SUBTITLE;

4 ~~(9)~~ (10) ESTABLISH A METHOD OF IDENTIFICATION AND
5 AUTHORIZATION FOR PROGRAM STAFF MEMBERS AND PROGRAM VOLUNTEERS
6 WHO HAVE ACCESS TO HYPODERMIC NEEDLES, SYRINGES, OR PROGRAM RECORDS;
7 AND

8 ~~(10)~~ (11) DEVELOP A PLAN FOR DATA COLLECTION AND PROGRAM
9 EVALUATION IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT.

10 **(B) A PROGRAM MAY OFFER ADDITIONAL SERVICES, INCLUDING:**

11 **(1) SUBSTANCE-RELATED DISORDER COUNSELING, TREATMENT,**
12 **AND RECOVERY SERVICES;**

13 **(2) TESTING FOR HIV, VIRAL HEPATITIS, AND SEXUALLY**
14 **TRANSMITTED DISEASES;**

15 **(3) REPRODUCTIVE HEALTH EDUCATION AND SERVICES;**

16 **(4) WOUND CARE; AND**

17 **(5) THE SERVICES OF AN OVERDOSE RESPONSE PROGRAM UNDER**
18 **TITLE 13, SUBTITLE 31 OF THIS ARTICLE.**

19 ~~(B)~~ (C) WITH THE ~~ADVICE~~ TECHNICAL ASSISTANCE OF THE STANDING
20 ADVISORY COMMITTEE, A PROGRAM SHALL DEVELOP:

21 **(1) PROGRAM OPERATING PROCEDURES FOR THE ~~FURNISHING AND~~**
22 **~~EXCHANGE~~ DISTRIBUTION, COLLECTION, AND SAFE DISPOSAL OF HYPODERMIC**
23 **NEEDLES AND SYRINGES ~~TO INDIVIDUALS WHO INJECT DRUGS;~~**

24 **(2) A COMMUNITY OUTREACH AND EDUCATION PLAN; AND**

25 **(3) A PROTOCOL FOR LINKING PROGRAM PARTICIPANTS TO**
26 **SUBSTANCE-RELATED DISORDER TREATMENT AND RECOVERY SERVICES.**

27 ~~(C)~~ (D) ~~ON THE RECOMMENDATION OF~~ AFTER RECEIVING TECHNICAL
28 **ASSISTANCE FROM THE STANDING ADVISORY COMMITTEE, A PROGRAM SHALL**
29 **SUBMIT THE OPERATING PROCEDURES, PLAN FOR COMMUNITY OUTREACH AND**
30 **EDUCATION, AND PROTOCOL FOR LINKING PROGRAM PARTICIPANTS TO**
31 **SUBSTANCE-RELATED DISORDER TREATMENT AND RECOVERY SERVICES**

1 DEVELOPED UNDER SUBSECTION ~~(B)~~ (C) OF THIS SECTION FOR APPROVAL ~~OR~~
 2 ~~DISAPPROVAL BEFORE IMPLEMENTATION~~ TO:

3 (1) THE LOCAL HEALTH OFFICER FOR EACH COUNTY IN WHICH A
 4 PROGRAM IS ESTABLISHED; AND

5 (2) THE DEPARTMENT.

6 24-904.

7 (A) THE DEPARTMENT SHALL APPOINT A STANDING ADVISORY
 8 COMMITTEE ON OPIOID-ASSOCIATED DISEASE PREVENTION AND OUTREACH
 9 PROGRAMS.

10 (B) THE STANDING ADVISORY COMMITTEE SHALL CONSIST OF:

11 (1) THE DEPUTY SECRETARY FOR PUBLIC HEALTH SERVICES;

12 (2) ONE INDIVIDUAL FROM ACADEMIA WHO SPECIALIZES IN PUBLIC
 13 HEALTH ISSUES RELATED TO SUBSTANCE-RELATED DISORDERS OR INFECTIOUS
 14 DISEASES;

15 (3) ONE REPRESENTATIVE FROM LAW ENFORCEMENT, NOMINATED
 16 BY THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL
 17 AND PREVENTION;

18 (4) ONE INDIVIDUAL WITH EXPERTISE IN THE PREVENTION OF HIV
 19 ~~OR THE HEPATITIS C VIRUS~~ VIRAL HEPATITIS;

20 (5) ~~ONE SUBSTANCE-RELATED DISORDER COUNSELOR~~ HEALTH CARE
 21 PRACTITIONER WITH EXPERIENCE PROVIDING SERVICES TO INDIVIDUALS WHO
 22 INJECT DRUGS;

23 (6) ONE INDIVIDUAL ~~IN RECOVERY WHO INJECTED DRUGS~~ WITH
 24 SUBSTANCE USE EXPERIENCE;

25 (7) ONE FAMILY MEMBER OF AN INDIVIDUAL WHO INJECTS OR HAS
 26 INJECTED DRUGS;

27 ~~(7)~~ (8) ONE REPRESENTATIVE OF LOCAL LAW ENFORCEMENT;

28 ~~(8)~~ (9) ONE LOCAL HEALTH OFFICER;

1 ~~(9)~~ (10) ONE REPRESENTATIVE OF A LOCAL OR REGIONAL
2 HOSPITAL;

3 ~~(10)~~ (11) ONE INDIVIDUAL WITH EXPERIENCE IN SYRINGE ~~EXCHANGE~~
4 SERVICES PROGRAMS; AND

5 ~~(11)~~ (12) ANY ADDITIONAL MEMBERS RECOMMENDED BY THE
6 DEPARTMENT.

7 (C) THE DEPUTY SECRETARY FOR PUBLIC HEALTH SERVICES SHALL
8 SERVE AS CHAIR OF THE STANDING ADVISORY COMMITTEE.

9 (D) THE STANDING ADVISORY COMMITTEE SHALL:

10 (1) ~~ADVISE~~ PROVIDE TECHNICAL ASSISTANCE TO EACH PROGRAM
11 ON DEVELOPING:

12 (I) PROGRAM OPERATING PROCEDURES FOR ~~THE FURNISHING~~
13 ~~AND EXCHANGE~~ COLLECTION AND DISTRIBUTION OF HYPODERMIC NEEDLES AND
14 SYRINGES ~~TO INDIVIDUALS WHO INJECT DRUGS~~;

15 (II) A PLAN FOR COMMUNITY OUTREACH AND EDUCATION; AND

16 (III) A PROTOCOL FOR LINKING PROGRAM PARTICIPANTS TO
17 SUBSTANCE-RELATED DISORDER TREATMENT AND RECOVERY SERVICES; AND

18 ~~(2) BEFORE A PROGRAM BEGINS OPERATING, REVIEW AND MAKE A~~
19 ~~RECOMMENDATION FOR THE APPROVAL OR DISAPPROVAL OF THE OPERATING~~
20 ~~PROCEDURES, PLAN FOR COMMUNITY OUTREACH AND EDUCATION, AND PROTOCOL~~
21 ~~FOR LINKING PROGRAM PARTICIPANTS TO SUBSTANCE-RELATED DISORDER~~
22 ~~TREATMENT AND RECOVERY SERVICES TO:~~

23 (I) ~~THE LOCAL HEALTH OFFICER FOR EACH COUNTY IN WHICH~~
24 ~~A PROGRAM IS LOCATED; AND~~

25 (II) ~~THE DEPARTMENT; AND~~

26 ~~(3)~~ (2) MAKE RECOMMENDATIONS TO A PROGRAM REGARDING
27 ANY ASPECT OF PROGRAM PROCEDURES OR OPERATION.

28 24-905.

29 (A) THE DEPARTMENT SHALL:

1 (1) ADOPT REGULATIONS FOR THE IMPLEMENTATION OF THIS
2 SUBTITLE, IN CONSULTATION WITH THE STANDING ADVISORY COMMITTEE AND THE
3 MARYLAND ASSOCIATION OF COUNTY HEALTH OFFICERS; AND

4 (2) ENSURE THE PROVISION OF TECHNICAL ASSISTANCE TO A
5 PROGRAM ABOUT BEST PRACTICES, BEST PRACTICE PROTOCOLS, AND OTHER
6 SUBJECT AREAS.

7 (B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A)(1) OF THIS
8 SECTION SHALL ~~INCLUDE A PLAN FOR SECURITY OF EXCHANGE LOCATIONS AND~~
9 ~~EQUIPMENT, DATA COLLECTION, AND PROGRAM EVALUATION.~~ ESTABLISH:

10 (1) PROCEDURES FOR ENSURING THE SECURITY OF PROGRAM
11 LOCATIONS AND EQUIPMENT;

12 (2) AN APPEALS PROCESS FOR APPEALS AUTHORIZED BY §
13 29-902(B)(4) OF THIS SUBTITLE, INCLUDING THE STANDARD OF REVIEW THAT THE
14 DEPUTY SECRETARY FOR PUBLIC HEALTH SERVICES MUST APPLY WHEN
15 REVIEWING A DECISION OF THE DEPARTMENT AND A LOCAL HEALTH OFFICER; AND

16 (3) PROCEDURES FOR DATA COLLECTION AND PROGRAM
17 EVALUATION.

18 24-906.

19 (A) (1) EACH PROGRAM PARTICIPANT SHALL BE ISSUED ~~AN~~ A UNIQUE
20 IDENTIFICATION CARD WITH AN A UNIQUE IDENTIFICATION NUMBER.

21 (2) THE UNIQUE IDENTIFICATION NUMBER ~~SHALL~~ MAY NOT BE
22 CROSS-INDEXED TO A CONFIDENTIAL RECORD CONTAINING PERTINENT ANY
23 PERSONAL IDENTIFYING DATA ON THE PARTICIPANT.

24 (B) ANY INFORMATION OBTAINED BY A PROGRAM THAT IDENTIFIES
25 PROGRAM PARTICIPANTS, INCLUDING PROGRAM RECORDS, IS:

26 (1) CONFIDENTIAL;

27 (2) NOT OPEN TO PUBLIC INSPECTION OR DISCLOSURE; AND

28 (3) NOT DISCOVERABLE IN ANY CRIMINAL OR CIVIL PROCEEDING.

29 (C) (1) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (B) OF THIS
30 SECTION, ON THE WRITTEN CONSENT OF A PROGRAM PARTICIPANT, INFORMATION

1 OBTAINED BY A PROGRAM THAT IDENTIFIES THE PROGRAM PARTICIPANT MAY BE
2 RELEASED OR DISCLOSED TO AN INDIVIDUAL OR AGENCY ~~PARTICIPATING IN A~~
3 ~~PROGRAM~~ FOR PURPOSES OF LINKING TO SERVICES UNDER § 24-903(A)(6) OF THIS
4 SUBTITLE.

5 (2) IN ADDITION TO THE PROVISIONS OF PARAGRAPH (1) OF THIS
6 SUBSECTION, IF A PROGRAM PARTICIPANT RAISES THE ISSUE OF PARTICIPATION IN
7 A PROGRAM EITHER AS A SUBJECT MATTER OR LEGAL DEFENSE IN AN
8 ADMINISTRATIVE, CIVIL, OR CRIMINAL PROCEEDING, THE PROGRAM PARTICIPANT
9 WAIVES THE CONFIDENTIALITY AS TO IDENTITY PROVIDED UNDER SUBSECTION (B)
10 OF THIS SECTION.

11 (3) SUBSTANCE-RELATED TREATMENT RECORDS REQUESTED OR
12 PROVIDED UNDER THIS SECTION ARE SUBJECT TO ANY ADDITIONAL LIMITATIONS
13 ON DISCLOSURE OR RE-DISCLOSURE OF A MEDICAL RECORD DEVELOPED IN
14 CONNECTION WITH THE PROVISION OF SUBSTANCE-RELATED TREATMENT
15 SERVICES UNDER STATE LAW OR 42 U.S.C. § 290DD-2 AND 42 C.F.R. PART 2.

16 24-907.

17 A PROGRAM SHALL COLLECT AND REPORT AT LEAST ANNUALLY THE
18 FOLLOWING DATA TO THE DEPARTMENT:

19 (1) THE NUMBER OF PARTICIPANTS SERVED BY THE PROGRAM;

20 (2) THE NUMBER OF NEW PARTICIPANTS REGISTERED BY THE
21 PROGRAM DURING THE REPORTING PERIOD;

22 (3) DEMOGRAPHIC PROFILES OF PARTICIPANTS SERVED BY THE
23 PROGRAM, INCLUDING:

24 (I) AGE;

25 (II) GENDER;

26 (III) RACE;

27 (IV) ZIP CODE; AND

28 (V) TYPES OF DRUGS USED;

29 (4) THE NUMBER OF HYPODERMIC NEEDLES AND SYRINGES
30 DISTRIBUTED AND COLLECTED;

1 (5) EACH LOCATION AT WHICH HYPODERMIC NEEDLES AND
 2 SYRINGES WERE DISTRIBUTED; AND

3 (6) THE NUMBER OF LINKAGES PROVIDED TO PARTICIPANTS UNDER
 4 § 24-903(A)(6) OF THIS SUBTITLE.

5 ~~24-907, 24-908.~~

6 (A) ~~NO~~ A PROGRAM STAFF MEMBER, PROGRAM VOLUNTEER, OR PROGRAM
 7 PARTICIPANT MAY NOT BE FOUND GUILTY OF ARRESTED, CHARGED, OR
 8 PROSECUTED FOR VIOLATING § 5-601, § 5-619, § 5-620, § 5-902, OR § 5-904 OR §
 9 5-902(C) OR (D) OF THE CRIMINAL LAW ARTICLE FOR POSSESSING OR
 10 DISTRIBUTING CONTROLLED PARAPHERNALIA OR DRUG PARAPHERNALIA
 11 WHENEVER THE POSSESSION OR DISTRIBUTION OF THE CONTROLLED
 12 PARAPHERNALIA OR DRUG PARAPHERNALIA IS A DIRECT RESULT OF THE
 13 EMPLOYEE'S, VOLUNTEER'S, OR PARTICIPANT'S ACTIVITIES IN CONNECTION WITH
 14 THE WORK OF A PROGRAM AUTHORIZED UNDER THIS SUBTITLE.

15 (B) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF THIS
 16 SECTION, A PROGRAM STAFF MEMBER, PROGRAM VOLUNTEER, OR PROGRAM
 17 PARTICIPANT IS NOT IMMUNE FROM CRIMINAL PROSECUTION FOR:

18 ~~(1) ANY ANY~~ ANY ACTIVITIES NOT AUTHORIZED OR APPROVED BY A
 19 ~~PROGRAM; PROGRAM. OR~~

20 ~~(2) THE POSSESSION OR DISTRIBUTION OF CONTROLLED~~
 21 ~~PARAPHERNALIA OR DRUG PARAPHERNALIA OR ANY OTHER UNLAWFUL ACTIVITY~~
 22 ~~OUTSIDE THE COUNTY LIMITS FOR ANY COUNTY IN WHICH A PROGRAM IS~~
 23 ~~ESTABLISHED.~~

24 ~~24-908, 24-909.~~

25 EXCEPT FOR VIOLATIONS OF ANY LAWS THAT COULD ARISE FROM RESIDUE
 26 ATTACHED TO OR CONTAINED WITHIN HYPODERMIC NEEDLES OR SYRINGES BEING
 27 RETURNED OR ALREADY RETURNED TO A PROGRAM, NOTHING IN THIS SUBTITLE
 28 PROVIDES IMMUNITY TO A PROGRAM STAFF MEMBER, PROGRAM VOLUNTEER, OR
 29 PROGRAM PARTICIPANT FROM CRIMINAL PROSECUTION FOR A VIOLATION OF ANY
 30 LAW PROHIBITING OR REGULATING THE USE, POSSESSION, DISPENSING,
 31 DISTRIBUTION, OR PROMOTION OF CONTROLLED DANGEROUS SUBSTANCES,
 32 DANGEROUS DRUGS, DETRIMENTAL DRUGS, OR HARMFUL DRUGS OR ANY
 33 CONSPIRACY OR ATTEMPT TO COMMIT ANY OF THOSE OFFENSES.

34 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 35 October 1, 2016.