

# HOUSE BILL 655

J3  
HB 1172/17 – HGO

8lr1595  
CF SB 392

---

By: **Delegates K. Young, Barkley, Barve, Chang, Gutierrez, Korman, Krimm, Lisanti, McComas, A. Miller, Moon, Platt, Queen, and Robinson**

Introduced and read first time: January 29, 2018

Assigned to: Health and Government Operations

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Department of Health – Biosafety Level 3 Laboratories**

3 FOR the purpose of requiring the Maryland Department of Health to develop and make  
4 available a certain form; requiring certain biosafety level 3 (BSL–3) laboratories to  
5 report annually, on or before a certain date, certain information to the Department;  
6 requiring the Department to report annually, on or before a certain date each year,  
7 the number and location of the laboratories, in total and by local jurisdiction, to the  
8 Maryland Emergency Management Agency and certain officials in each local  
9 jurisdiction in the State, and the total number of the laboratories to the Governor  
10 and the General Assembly; providing that, except as provided under certain  
11 provisions of this Act, certain information is confidential and not subject to  
12 inspection under certain provisions of law; establishing certain penalties; requiring  
13 the Department to develop a strategy for a certain purpose; defining a certain term;  
14 providing for the application of this Act; and generally relating to biosafety level 3  
15 (BSL–3) laboratories.

16 BY adding to

17 Article – Health – General

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

20 Annotated Code of Maryland

21 (2015 Replacement Volume and 2017 Supplement)

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**

25 **SUBTITLE 7. BIOSAFETY LEVEL 3 (BSL–3) LABORATORIES.**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 17-701.

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

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

10 (2) REQUIRED BIOCONTAINMENT PRECAUTIONS.

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

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

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

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

18 (III) IS A PRIVATELY FUNDED BIOMEDICAL RESEARCH  
19 LABORATORY.

20 (C) THE DEPARTMENT SHALL DEVELOP AND MAKE AVAILABLE A  
21 STANDARDIZED FORM FOR A BSL-3 LABORATORY SUBJECT TO THIS SECTION TO  
22 USE TO PROVIDE THE INFORMATION REQUIRED UNDER SUBSECTION (D) OF THIS  
23 SECTION.

24 (D) ON OR BEFORE SEPTEMBER 30 EACH YEAR, EACH BSL-3 LABORATORY  
25 SUBJECT TO THIS SECTION SHALL REPORT TO THE DEPARTMENT:

26 (1) THE ADDRESS OF THE LABORATORY;

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

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

1           **(E) ON OR BEFORE DECEMBER 31 EACH YEAR, THE DEPARTMENT SHALL**  
2 **REPORT TO:**

3           **(1) THE MARYLAND EMERGENCY MANAGEMENT AGENCY AND THE**  
4 **HEALTH OFFICER AND EMERGENCY MANAGEMENT OFFICIALS OF EACH LOCAL**  
5 **JURISDICTION IN THE STATE THE NUMBER AND LOCATION, IN TOTAL AND BY LOCAL**  
6 **JURISDICTION, OF BSL-3 LABORATORIES SUBJECT TO THIS SECTION; AND**

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

10           **(F) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, ANY**  
11 **INFORMATION THE DEPARTMENT COLLECTS FROM BSL-3 LABORATORIES SUBJECT**  
12 **TO THIS SECTION IS CONFIDENTIAL AND NOT SUBJECT TO INSPECTION UNDER**  
13 **TITLE 4 OF THE GENERAL PROVISIONS ARTICLE.**

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

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

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

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

26           (a) The Maryland Department of Health shall develop a strategy to attempt to  
27 identify biosafety level 3 laboratories that are subject to Section 1 of this Act for the purpose  
28 of notifying the laboratories of the requirements of this Act.

29           (b) The strategy may rely on the list of possible laboratories used by the 2013  
30 Workgroup on Biocontainment Laboratory Oversight convened by the Maryland  
31 Department of Health, information available from biotechnology councils and scientific  
32 groups, information available from local government agencies, and other sources that may  
33 help to identify biosafety level 3 laboratories subject to Section 1 of this Act.

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

1 October 1, 2018.