

SENATE BILL 309

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CF HB 359

By: The President (By Request – Administration) and Senators Astle, Bates, Benson, Brochin, Cassilly, Conway, Currie, DeGrange, Eckardt, Edwards, Feldman, Ferguson, Guzzone, Hershey, Hough, Jennings, Kagan, Kasemeyer, Kelley, King, Klausmeier, Lee, Madaleno, Manno, Mathias, McFadden, Middleton, Muse, Nathan-Pulliam, Norman, Oaks, Peters, Pinsky, Ramirez, Ready, Reilly, Robinson, Rosapepe, Salling, Serafini, Simonaire, Smith, Waugh, Young, Zirkin, and Zucker

Introduced and read first time: January 22, 2018

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 19, 2018

CHAPTER _____

1 AN ACT concerning

2 **Health – Reporting of Overdose Information**

3 FOR the purpose of ~~authorizing requiring, to the extent practicable,~~ authorizing emergency
4 medical services providers and law enforcement officers to report certain overdoses
5 using a certain information technology platform; requiring that the report include
6 certain information; requiring the emergency medical services provider or law
7 enforcement officer making a report to make certain efforts to make the report within
8 a certain time period; requiring the Maryland Institute for Emergency Medical
9 Services Systems to report certain information to a certain information technology
10 platform under certain circumstances; prohibiting certain information from being
11 used for a criminal investigation or prosecution; stating the intent of the General
12 Assembly regarding the reporting of certain information under certain
13 circumstances; ~~providing for immunity from civil and criminal liability under certain~~
14 circumstances; defining certain terms; and generally relating to the reporting of
15 overdose information.

16 BY repealing and reenacting, without amendments,

17 Article – Education

18 Section 13–516(a)(1) and (7)

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 Annotated Code of Maryland
2 (2014 Replacement Volume and 2017 Supplement)

3 BY adding to
4 Article – Health – General
5 Section 13–3601 and 13–3602 to be under the new subtitle “Subtitle 36. Reporting of
6 Overdoses”
7 Annotated Code of Maryland
8 (2015 Replacement Volume and 2017 Supplement)

9 BY repealing and reenacting, without amendments,
10 Article – Public Safety
11 Section 3–101(e)
12 Annotated Code of Maryland
13 (2011 Replacement Volume and 2017 Supplement)

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

16 **Article – Education**

17 13–516.

18 (a) (1) In this section the following words have the meanings indicated.

19 (7) “Emergency medical services provider” means an individual licensed or
20 certified by the EMS Board as:

- 21 (i) A cardiac rescue technician;
22 (ii) An emergency medical dispatcher;
23 (iii) An emergency medical responder;
24 (iv) An emergency medical technician; or
25 (v) A paramedic.

26 **Article – Health – General**

27 **SUBTITLE 36. REPORTING OF OVERDOSES.**

28 **13–3601.**

29 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
30 INDICATED.

1 (B) "EMERGENCY MEDICAL SERVICES PROVIDER" HAS THE MEANING
2 STATED IN § 13-516 OF THE EDUCATION ARTICLE.

3 (C) "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED IN § 3-101
4 OF THE PUBLIC SAFETY ARTICLE.

5 (D) "OVERDOSE" MEANS A CONDITION, INCLUDING EXTREME PHYSICAL
6 ILLNESS, DECREASED LEVEL OF CONSCIOUSNESS, RESPIRATORY DEPRESSION,
7 COMA, OR DEATH, RESULTING FROM THE CONSUMPTION OR USE OF ANY
8 CONTROLLED DANGEROUS SUBSTANCE THAT REQUIRES MEDICAL ATTENTION,
9 ASSISTANCE, OR TREATMENT, AND CLINICAL SUSPICION FOR DRUG OVERDOSE,
10 INCLUDING RESPIRATORY DEPRESSION, UNCONSCIOUSNESS, OR ALTERED MENTAL
11 STATE, WITHOUT OTHER CONDITIONS TO EXPLAIN THE CLINICAL CONDITION.

12 13-3602.

13 (A) AN EMERGENCY MEDICAL SERVICES PROVIDER OR A LAW
14 ENFORCEMENT OFFICER WHO TREATS AND RELEASES OR TRANSPORTS TO A
15 MEDICAL FACILITY AN INDIVIDUAL EXPERIENCING A SUSPECTED OR AN ACTUAL
16 OVERDOSE MAY REPORT THE INCIDENT USING AN APPROPRIATE INFORMATION
17 TECHNOLOGY PLATFORM WITH SECURE ACCESS, INCLUDING THE
18 WASHINGTON/BALTIMORE HIGH INTENSITY DRUG TRAFFICKING AREA OVERDOSE
19 DETECTION MAPPING APPLICATION PROGRAM, OR ANY OTHER PROGRAM
20 OPERATED BY THE FEDERAL GOVERNMENT OR A UNIT OF STATE OR LOCAL
21 GOVERNMENT.

22 (B) A REPORT OF AN OVERDOSE MADE UNDER THIS SECTION SHALL
23 INCLUDE:

24 (1) THE DATE AND TIME OF THE OVERDOSE;

25 (2) THE APPROXIMATE ADDRESS WHERE THE OVERDOSE VICTIM WAS
26 INITIALLY ENCOUNTERED OR WHERE THE OVERDOSE OCCURRED;

27 (3) WHETHER AN OPIOID OVERDOSE REVERSAL DRUG WAS
28 ADMINISTERED; AND

29 (4) WHETHER THE OVERDOSE WAS FATAL OR NONFATAL.

30 (C) IF AN EMERGENCY MEDICAL SERVICES PROVIDER OR A LAW
31 ENFORCEMENT OFFICER REPORTS AN OVERDOSE UNDER THIS SECTION, THE
32 EMERGENCY MEDICAL SERVICES PROVIDER OR LAW ENFORCEMENT OFFICER
33 MAKING THE REPORT SHALL MAKE BEST EFFORTS TO MAKE THE REPORT WITHIN 24
34 HOURS AFTER RESPONDING TO THE INCIDENT.

1 (D) ON RECEIPT OF A PATIENT CARE REPORT THAT INDICATES AN
 2 OVERDOSE, THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES
 3 SYSTEMS SHALL REPORT THE INFORMATION LISTED UNDER SUBSECTION (B) OF
 4 THIS SECTION TO AN APPROPRIATE INFORMATION TECHNOLOGY PLATFORM WITH
 5 SECURE ACCESS, INCLUDING THE WASHINGTON/BALTIMORE HIGH INTENSITY
 6 DRUG TRAFFICKING AREA OVERDOSE DETECTION MAPPING APPLICATION, OR ANY
 7 OTHER PROGRAM OPERATED BY THE FEDERAL GOVERNMENT OR A UNIT OF STATE
 8 OR LOCAL GOVERNMENT.

9 (E) OVERDOSE INFORMATION REPORTED BY AN EMERGENCY MEDICAL
 10 SERVICES PROVIDER UNDER SUBSECTION (A) OF THIS SECTION OR BY THE
 11 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS UNDER
 12 SUBSECTION (D) OF THIS SECTION MAY NOT BE USED FOR A CRIMINAL
 13 INVESTIGATION OR PROSECUTION.

14 ~~(F) AN EMERGENCY MEDICAL SERVICES PROVIDER OR A LAW~~
 15 ~~ENFORCEMENT OFFICER WHO IN GOOD FAITH MAKES A REPORT UNDER THIS~~
 16 ~~SECTION SHALL BE IMMUNE FROM CIVIL OR CRIMINAL LIABILITY FOR MAKING THE~~
 17 ~~REPORT.~~

18 Article – Public Safety

19 3–101.

- 20 (e) (1) “Law enforcement officer” means an individual who:
- 21 (i) in an official capacity is authorized by law to make arrests; and
- 22 (ii) is a member of one of the following law enforcement agencies:
- 23 1. the Department of State Police;
 - 24 2. the Police Department of Baltimore City;
 - 25 3. the Baltimore City School Police Force;
 - 26 4. the Baltimore City Watershed Police Force;
 - 27 5. the police department, bureau, or force of a county;
 - 28 6. the police department, bureau, or force of a municipal
 - 29 corporation;
 - 30 7. the office of the sheriff of a county;

- 1 agency;
2
- 3 8. the police department, bureau, or force of a bicounty
4 9. the Maryland Transportation Authority Police;
5 10. the police forces of the Department of Transportation;
6 11. the police forces of the Department of Natural Resources;
7 12. the Field Enforcement Bureau of the Comptroller's Office;
8 13. the Housing Authority of Baltimore City Police Force;
9 14. the Crofton Police Department;
10 15. the police force of the Maryland Department of Health;
11 16. the police force of the Maryland Capitol Police of the
12 Department of General Services;
13 17. the police force of the Department of Labor, Licensing, and
14 Regulation;
15 18. the police forces of the University System of Maryland;
16 19. the police force of Morgan State University;
17 20. the office of State Fire Marshal;
18 21. the Ocean Pines Police Department;
19 22. the police force of the Baltimore City Community College;
20 23. the police force of the Hagerstown Community College;
21 24. the Internal Investigation Unit of the Department of
22 Public Safety and Correctional Services;
23 25. the Warrant Apprehension Unit of the Division of Parole
24 and Probation in the Department of Public Safety and Correctional Services; or
25 26. the police force of the Anne Arundel Community College.

26 (2) "Law enforcement officer" does not include:

- 27 (i) an individual who serves at the pleasure of the Police
Commissioner of Baltimore City;

- 1 (ii) an individual who serves at the pleasure of the appointing
2 authority of a charter county;
- 3 (iii) the police chief of a municipal corporation;
- 4 (iv) an officer who is in probationary status on initial entry into the
5 law enforcement agency except if an allegation of brutality in the execution of the officer's
6 duties is made;
- 7 (v) a Montgomery County fire and explosive investigator as defined
8 in § 2–208.1 of the Criminal Procedure Article;
- 9 (vi) an Anne Arundel County or City of Annapolis fire and explosive
10 investigator as defined in § 2–208.2 of the Criminal Procedure Article;
- 11 (vii) a Prince George's County fire and explosive investigator as
12 defined in § 2–208.3 of the Criminal Procedure Article;
- 13 (viii) a Worcester County fire and explosive investigator as defined in
14 § 2–208.4 of the Criminal Procedure Article;
- 15 (ix) a City of Hagerstown fire and explosive investigator as defined
16 in § 2–208.5 of the Criminal Procedure Article; or
- 17 (x) a Howard County fire and explosive investigator as defined in §
18 2–208.6 of the Criminal Procedure Article.

19 SECTION 2. AND BE IT FURTHER ENACTED, That, unless overdose information
20 is otherwise reported through the Maryland Institute for Emergency Medical Services
21 Systems as required under Section 1 of this Act, it is the intent of the General Assembly
22 that emergency medical service providers and law enforcement officers report, to the extent
23 possible, overdose information via an appropriate information technology platform with
24 secure access for the purpose of making decisions regarding the allocation of public health
25 and educational resources.

26 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 July 1, 2018.