

HOUSE BILL 139

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CF 9lr0417

By: **Delegates Pena–Melnyk, Hettleman, Bhandari, Carr, Dumais, Ebersole, Fennell, Fraser–Hidalgo, Hill, Johnson, Jones, Kelly, Kerr, Krimm, Lafferty, J. Lewis, R. Lewis, Lierman, Lopez, McIntosh, Moon, Mosby, Patterson, Rosenberg, Shetty, Stein, Stewart, Terrasa, Turner, Washington, Wells, and K. Young**

Introduced and read first time: January 21, 2019

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Overdose and Infectious Disease Prevention Site Program**

3 FOR the purpose of authorizing the establishment of an Overdose and Infectious Disease
4 Prevention Site Program by a community–based organization; requiring the
5 Maryland Department of Health, in consultation with the local health department,
6 to make a certain determination on a certain application based on certain criteria
7 and within a certain period of time; authorizing the Department to approve not more
8 than a certain number of Programs, with each Program operating at a single location
9 in a certain area; requiring, to the extent practicable, certain Programs approved by
10 the Department to be located in certain areas of the State; requiring the Department,
11 in consultation with the local health department, to provide a written explanation of
12 a certain determination to a certain entity; requiring a Program to provide certain
13 services, provide certain training, and establish a method of identifying certain staff;
14 authorizing a Program to bill a certain insurance carrier under certain
15 circumstances for certain services provided, accept donations, grants, and other
16 financial assistance, apply for certain grants, coordinate with certain programs or
17 organizations, and use certain facilities; prohibiting the location of a Program in
18 certain areas; prohibiting certain persons, under certain circumstances, from being
19 subject to arrest, prosecution, or certain penalties or from being denied any right or
20 privilege for involvement in the operation or use of services of a Program; prohibiting
21 certain persons, under certain circumstances, from being subject to the seizure or
22 forfeiture of certain real or personal property under certain laws; providing that
23 certain persons are not immune from criminal prosecution for certain activities;
24 requiring a certain Program to submit a certain report that includes certain
25 information to the Department and certain committees on or before a certain date
26 each year; defining certain terms; providing for the termination of this Act; and
27 generally relating to an Overdose and Infectious Disease Prevention Site Program.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Health – General
3 Section 24–1601 through 24–1606 to be under the new subtitle “Subtitle 16.
4 Overdose and Infectious Disease Prevention Site Program”
5 Annotated Code of Maryland
6 (2015 Replacement Volume and 2018 Supplement)

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

9 **Article – Health – General**

10 **SUBTITLE 16. OVERDOSE AND INFECTIOUS DISEASE PREVENTION SITE**
11 **PROGRAM.**

12 **24–1601.**

13 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
14 **INDICATED.**

15 **(B) (1) “COMMUNITY–BASED ORGANIZATION” MEANS A PUBLIC OR**
16 **PRIVATE ORGANIZATION THAT:**

17 **(I) IS REPRESENTATIVE OF A COMMUNITY OR SIGNIFICANT**
18 **SEGMENTS OF A COMMUNITY; AND**

19 **(II) PROVIDES EDUCATIONAL, HEALTH, OR SOCIAL SERVICES**
20 **TO INDIVIDUALS IN THE COMMUNITY.**

21 **(2) “COMMUNITY–BASED ORGANIZATION” INCLUDES:**

22 **(I) A HOSPITAL;**

23 **(II) A CLINIC;**

24 **(III) A SUBSTANCE ABUSE TREATMENT CENTER;**

25 **(IV) A MEDICAL OFFICE;**

26 **(V) A FEDERALLY QUALIFIED HEALTH CENTER;**

27 **(VI) A MENTAL HEALTH FACILITY;**

28 **(VII) A LOCAL HEALTH DEPARTMENT; AND**

1 (VIII) A FAITH-BASED ORGANIZATION.

2 (C) "PROGRAM" MEANS AN OVERDOSE AND INFECTIOUS DISEASE
3 PREVENTION SITE PROGRAM.

4 24-1602.

5 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A COMMUNITY-BASED
6 ORGANIZATION MAY ESTABLISH AN OVERDOSE AND INFECTIOUS DISEASE
7 PREVENTION SITE PROGRAM WITH THE APPROVAL OF THE DEPARTMENT, IN
8 CONSULTATION WITH THE LOCAL HEALTH DEPARTMENT.

9 (B) (1) THE DEPARTMENT MAY APPROVE NOT MORE THAN SIX
10 PROGRAMS, WITH EACH PROGRAM OPERATING AT A SINGLE LOCATION IN AN AREA
11 WITH A HIGH INCIDENCE OF DRUG USE.

12 (2) TO THE EXTENT PRACTICABLE, THE PROGRAMS APPROVED BY
13 THE DEPARTMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

14 (I) TWO PROGRAMS LOCATED IN URBAN AREAS OF THE STATE;

15 (II) TWO PROGRAMS LOCATED IN SUBURBAN AREAS OF THE
16 STATE; AND

17 (III) TWO PROGRAMS LOCATED IN RURAL AREAS OF THE STATE.

18 (C) THE DEPARTMENT, IN CONSULTATION WITH THE LOCAL HEALTH
19 DEPARTMENT, SHALL MAKE ITS DETERMINATION OF WHETHER TO APPROVE AN
20 APPLICATION SUBMITTED UNDER THIS SECTION BASED ON THE ABILITY OF THE
21 COMMUNITY-BASED ORGANIZATION TO SATISFY THE REQUIREMENTS OF §§
22 24-1603, 24-1604, AND 24-1605 OF THIS SUBTITLE.

23 (D) THE DEPARTMENT, IN CONSULTATION WITH THE LOCAL HEALTH
24 DEPARTMENT, SHALL:

25 (1) APPROVE OR DENY AN APPLICATION OF A COMMUNITY-BASED
26 ORGANIZATION WITHIN 45 DAYS AFTER THE DAY ON WHICH THE APPLICATION IS
27 RECEIVED; AND

28 (2) PROVIDE A WRITTEN EXPLANATION OF THE DEPARTMENT'S
29 DETERMINATION TO THE COMMUNITY-BASED ORGANIZATION.

1 **24-1603.**

2 **(A) A PROGRAM SHALL:**

3 **(1) PROVIDE A LOCATION SUPERVISED BY HEALTH CARE**
4 **PROFESSIONALS OR OTHER TRAINED STAFF WHERE DRUG USERS CAN**
5 **CONSUME PREOBTAINED DRUGS;**

6 **(2) PROVIDE STERILE INJECTION SUPPLIES, COLLECT USED**
7 **HYPODERMIC NEEDLES AND SYRINGES, AND PROVIDE SECURE HYPODERMIC**
8 **NEEDLE AND SYRINGE DISPOSAL SERVICES;**

9 **(3) ANSWER QUESTIONS ABOUT SAFE INJECTION PRACTICES;**

10 **(4) ADMINISTER FIRST AID, IF NEEDED, MONITOR PARTICIPANTS FOR**
11 **POTENTIAL OVERDOSE, AND ADMINISTER RESCUE MEDICATIONS, INCLUDING**
12 **NALOXONE;**

13 **(5) PROVIDE ACCESS OR REFERRALS TO SERVICES, INCLUDING:**

14 **(I) SUBSTANCE ABUSE DISORDER COUNSELING AND**
15 **TREATMENT SERVICES;**

16 **(II) TESTING FOR HIV, VIRAL HEPATITIS, AND SEXUALLY**
17 **TRANSMITTED DISEASES;**

18 **(III) REPRODUCTIVE HEALTH EDUCATION AND SERVICES; AND**

19 **(IV) WOUND CARE;**

20 **(6) EDUCATE PARTICIPANTS ON THE RISKS OF CONTRACTING HIV**
21 **AND VIRAL HEPATITIS;**

22 **(7) PROVIDE OVERDOSE PREVENTION EDUCATION AND ACCESS TO**
23 **OR REFERRALS TO OBTAIN NALOXONE;**

24 **(8) EDUCATE PARTICIPANTS REGARDING PROPER DISPOSAL OF**
25 **HYPODERMIC NEEDLES AND SYRINGES;**

26 **(9) PROVIDE REASONABLE AND ADEQUATE SECURITY OF THE**
27 **PROGRAM SITE AND EQUIPMENT;**

28 **(10) ESTABLISH A METHOD OF IDENTIFYING PROGRAM STAFF**

1 MEMBERS WHO ARE AUTHORIZED TO ACCESS HYPODERMIC NEEDLES AND SYRINGES
2 AND PROGRAM RECORDS; AND

3 (11) TRAIN STAFF MEMBERS TO DELIVER SERVICES OFFERED BY THE
4 PROGRAM.

5 (B) A PROGRAM MAY:

6 (1) WITH THE CONSENT OF THE INDIVIDUAL, BILL THE INSURANCE
7 CARRIER OF AN INDIVIDUAL WHO USES THE SERVICES OF THE PROGRAM FOR THE
8 COST OF COVERED SERVICES;

9 (2) ACCEPT DONATIONS, GRANTS, OR OTHER FINANCIAL
10 ASSISTANCE;

11 (3) APPLY FOR GRANTS FROM THE DEPARTMENT OR ANY NONPROFIT
12 OR OTHER PRIVATE ORGANIZATION;

13 (4) COORDINATE WITH ANY OPIOID-ASSOCIATED SUBSTANCE ABUSE
14 PREVENTION AND OUTREACH PROGRAM OR COMMUNITY-BASED ORGANIZATION;
15 AND

16 (5) USE A MOBILE FACILITY TO OPERATE AND PROVIDE SERVICES.

17 (C) A PROGRAM MAY NOT BE LOCATED IN AN AREA THAT IS ZONED FOR
18 RESIDENTIAL USES.

19 24-1604.

20 (A) ANY OF THE FOLLOWING PERSONS ACTING IN ACCORDANCE WITH THE
21 PROVISIONS OF THIS SUBTITLE MAY NOT BE SUBJECT TO ARREST, PROSECUTION,
22 OR ANY CIVIL OR ADMINISTRATIVE PENALTY, INCLUDING A CIVIL PENALTY OR
23 DISCIPLINARY ACTION BY A PROFESSIONAL LICENSING BOARD, OR BE DENIED ANY
24 RIGHT OR PRIVILEGE FOR INVOLVEMENT IN THE OPERATION OR USE OF SERVICES
25 OF THE PROGRAM:

26 (1) AN INDIVIDUAL WHO USES SERVICES OF A PROGRAM;

27 (2) A STAFF MEMBER OF A PROGRAM, INCLUDING A HEALTH CARE
28 PROFESSIONAL, A MANAGER, AN EMPLOYEE, OR A VOLUNTEER; OR

29 (3) A PROPERTY OWNER WHO OWNS THE FACILITY AT WHICH A
30 PROGRAM IS LOCATED AND OPERATES.

1 (B) ANY PROPERTY OWNER, MANAGER, EMPLOYEE, VOLUNTEER, OR
2 INDIVIDUAL USING THE SERVICES OF A PROGRAM AND ACTING IN ACCORDANCE
3 WITH THE PROVISIONS OF THIS SUBTITLE MAY NOT BE SUBJECT UNDER STATE OR
4 LOCAL LAW TO THE SEIZURE OR FORFEITURE OF ANY REAL OR PERSONAL
5 PROPERTY USED IN CONNECTION WITH A PROGRAM.

6 24-1605.

7 NOTWITHSTANDING THE PROVISIONS OF § 24-1604 OF THIS SUBTITLE, A
8 PROPERTY OWNER, A MANAGER, AN EMPLOYEE, A VOLUNTEER, OR AN INDIVIDUAL
9 USING THE SERVICES OF A PROGRAM IS NOT IMMUNE FROM CRIMINAL
10 PROSECUTION FOR ANY ACTIVITIES NOT AUTHORIZED OR APPROVED BY THE
11 PROGRAM.

12 24-1606.

13 ON OR BEFORE DECEMBER 1 EACH YEAR, A PROGRAM ESTABLISHED UNDER
14 THIS SUBTITLE SHALL SUBMIT TO THE DEPARTMENT AND, IN ACCORDANCE WITH §
15 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE JOINT COMMITTEE ON
16 BEHAVIORAL HEALTH AND OPIOID USE DISORDERS, THE SENATE FINANCE
17 COMMITTEE, AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS
18 COMMITTEE A REPORT THAT INCLUDES THE FOLLOWING INFORMATION:

19 (1) THE NUMBER OF PROGRAM PARTICIPANTS AND THE NUMBER OF
20 TIMES A PARTICIPANT USED THE PROGRAM'S SERVICES;

21 (2) AGGREGATE INFORMATION REGARDING THE DEMOGRAPHIC
22 PROFILE OF PROGRAM PARTICIPANTS;

23 (3) THE NUMBER OF:

24 (I) HYPODERMIC NEEDLES AND SYRINGES DISTRIBUTED FOR
25 USE ON-SITE; AND

26 (II) OVERDOSES EXPERIENCED ON-SITE AND OVERDOSES
27 REVERSED ON-SITE;

28 (4) THE NUMBER OF INDIVIDUALS WHO RECEIVED OVERDOSE CARE
29 AND THE TYPE AND NUMBER OF RESCUE DRUGS USED;

30 (5) THE NUMBER OF INDIVIDUALS REFERRED BY THE PROGRAM TO
31 OTHER SERVICES AND THE TYPE OF SERVICE TO WHICH THE INDIVIDUALS WERE

1 REFERRED; AND

2 (6) ANY OTHER INFORMATION THAT THE DEPARTMENT DETERMINES
3 IS NECESSARY FOR ASSESSING THE IMPACT OF THE PROGRAM.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2019. It shall remain effective for a period of 4 years and, at the end of June 30, 2023,
6 this Act, with no further action required by the General Assembly, shall be abrogated and
7 of no further force and effect.