

SENATE BILL 1035

J1, J3

9lr3018

By: **Senator Klausmeier**

Introduced and read first time: March 4, 2019

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Medical Laboratories – Use or Sale of Data for Research Study and Advertising**
3 **or Solicitation of Business**

4 FOR the purpose of prohibiting a medical laboratory from using or selling to another person
5 certain data for use in a research study unless a certain individual provides consent
6 to the medical laboratory; repealing a prohibition on certain advertising or
7 solicitation of business for a medical laboratory; authorizing a certain person to
8 advertise or solicit business in the State for a medical laboratory only under certain
9 circumstances; and generally relating to medical laboratories.

10 BY adding to

11 Article – Health – General
12 Section 17–202.2
13 Annotated Code of Maryland
14 (2015 Replacement Volume and 2018 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article – Health – General
17 Section 17–215
18 Annotated Code of Maryland
19 (2015 Replacement Volume and 2018 Supplement)

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

22 **Article – Health – General**

23 **17–202.2.**

24 **A MEDICAL LABORATORY MAY NOT USE OR SELL TO ANOTHER PERSON DATA**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 OBTAINED FROM THE RESULTS OF A LABORATORY EXAMINATION OF AN INDIVIDUAL
2 FOR USE IN A RESEARCH STUDY UNLESS THE INDIVIDUAL PROVIDES CONSENT TO
3 THE MEDICAL LABORATORY.

4 17-215.

5 A person may [not directly or indirectly] advertise for or solicit business in this State
6 for [any] A medical laboratory, regardless of location, [from anyone except a physician,
7 hospital, medical laboratory, clinic, clinical installation, or other medical care facility]
8 ONLY IF:

9 (1) ALL PRODUCTS OFFERED BY THE MEDICAL LABORATORY ARE
10 ACCREDITED IN ACCORDANCE WITH THE FEDERAL CLINICAL LABORATORY
11 IMPROVEMENT AMENDMENTS OF 1998; AND

12 (2) THE PERSON ADVERTISING OR SOLICITING BUSINESS FOR A
13 MEDICAL LABORATORY:

14 (I) DISCLOSES THE RISKS ASSOCIATED WITH EACH TEST
15 OFFERED BY THE MEDICAL LABORATORY;

16 (II) PROVIDES SPECIFIC PRIVACY POLICIES TO CONSUMERS;
17 AND

18 (III) COMPLIES WITH THE REQUIREMENTS OF THE FEDERAL
19 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2019.