

# HOUSE BILL 1439

J3, R2, R3

4lr2592

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By: **Delegates Shetty, Barnes, Hinebaugh, and D. Jones**

Introduced and read first time: February 9, 2024

Assigned to: Appropriations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 26, 2024

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~**Public Health – Funding for Trauma Centers and Services**~~  
3 ~~**Emergency Services – Funding**~~

4 FOR the purpose of ~~altering the purpose, contents, and sources of the funding of the~~  
5 ~~Maryland Trauma Physician Services Fund; altering the entities to which money~~  
6 ~~from the Maryland Trauma Physician Services Fund is transferred; altering the~~  
7 ~~methodology used to determine eligibility for disbursements from the Maryland~~  
8 ~~Trauma Physician Services Fund; altering the amount of the motor vehicle~~  
9 ~~registration surcharge and the amount of the surcharge that is required to be paid~~  
10 ~~into the Maryland Trauma Physician Services Fund; increasing the fines for certain~~  
11 ~~violations of the Maryland Vehicle Law related to driving while impaired; altering~~  
12 ~~the authorized uses of the Maryland Emergency Medical System Operations Fund;~~  
13 ~~and generally relating to the funding for trauma centers and services~~ increasing the  
14 motor vehicle registration emergency medical system surcharge for certain motor  
15 vehicles; providing for the distribution of revenues derived from the surcharge;  
16 altering certain provisions of law related to the Maryland Trauma Physician  
17 Services Fund, including provisions related to the contents and sources of the  
18 funding, transfer of money from the Fund, and the methodology used to determine  
19 eligibility for disbursements from the Fund; increasing the fines for certain  
20 violations of the Maryland Vehicle Law related to driving while impaired; altering  
21 the authorized uses of the Maryland Emergency Medical System Operations Fund;  
22 requiring the Governor to include a certain appropriation in the annual budget bill  
23 for the Senator William H. Amoss Fire, Rescue, and Ambulance Fund; and generally  
24 relating to the funding for emergency services.

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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 BY repealing and reenacting, without amendments,  
2 Article – Health – General  
3 Section 19–101  
4 Annotated Code of Maryland  
5 (2023 Replacement Volume)

6 BY repealing and reenacting, with amendments,  
7 Article – Health – General  
8 Section 19–130  
9 Annotated Code of Maryland  
10 (2023 Replacement Volume)

11 ~~BY repealing and reenacting, with amendments,~~  
12 ~~Article – State Finance and Procurement~~  
13 ~~Section 7–118(a)~~  
14 ~~Annotated Code of Maryland~~  
15 ~~(2021 Replacement Volume and 2023 Supplement)~~

16 BY repealing and reenacting, without amendments,  
17 Article – Public Safety  
18 Section 8–102(a)  
19 Annotated Code of Maryland  
20 (2022 Replacement Volume and 2023 Supplement)

21 BY adding to  
22 Article – Public Safety  
23 Section 8–102(g)  
24 Annotated Code of Maryland  
25 (2022 Replacement Volume and 2023 Supplement)

26 BY repealing and reenacting, with amendments,  
27 Article – Transportation  
28 Section ~~13–954(b)~~, ~~13–955~~, 13–954 and 21–902(a) through (d)  
29 Annotated Code of Maryland  
30 (2020 Replacement Volume and 2023 Supplement)

31 BY repealing and reenacting, without amendments,  
32 Article – Transportation  
33 Section 13–955  
34 Annotated Code of Maryland  
35 (2020 Replacement Volume and 2023 Supplement)

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

38 **Article – Health – General**

1 19–101.

2 In this subtitle, “Commission” means the Maryland Health Care Commission.

3 19–130.

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

5 (2) “Fund” means the Maryland Trauma Physician Services Fund.

6 (3) “Maryland Trauma Specialty Referral Centers” means:

7 (i) The Johns Hopkins Health System Burn Program;

8 (ii) The Eye Trauma Center at the Wilmer Eye Institute at The  
9 Johns Hopkins Hospital; and

10 (iii) The Curtis National Hand Center at Union Memorial Hospital.

11 (4) **“REASONABLE COMPENSATION EQUIVALENT” MEANS THE**  
12 **LIMITATION ON THE COST ESTABLISHED BY THE CENTERS FOR MEDICARE AND**  
13 **MEDICAID SERVICES THAT A PROVIDER MAY CLAIM FOR COMPENSATION OF**  
14 **SERVICES.**

15 [(4)] (5) “Rehabilitation hospital” means a facility classified as a special  
16 rehabilitation hospital as described in § 19–307 of this title that is affiliated with a trauma  
17 center by common ownership.

18 [(5)] (6) (i) “Trauma center” means a facility designated by the  
19 Maryland Institute for Emergency Medical Services Systems as:

20 1. The State primary adult resource center;

21 2. A Level I trauma center;

22 3. A Level II trauma center;

23 4. A Level III trauma center;

24 5. A pediatric trauma center; or

25 6. The Maryland Trauma Specialty Referral Centers.

26 (ii) “Trauma center” includes an out-of-state pediatric trauma  
27 center that has entered into an agreement with the Maryland Institute for Emergency  
28 Medical Services Systems.

1           **(7) “TRAUMA HEALTH CARE PRACTITIONER” MEANS A HEALTH CARE**  
2 **PRACTITIONER LICENSED UNDER THE HEALTH OCCUPATIONS ARTICLE WHO**  
3 **PROVIDES CARE IN A TRAUMA CENTER OR IN A REHABILITATION HOSPITAL TO**  
4 **TRAUMA PATIENTS ON THE STATE TRAUMA REGISTRY AS DEFINED BY THE**  
5 **MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS.**

6           **[(6)] (8)**       “Trauma physician” means a physician who provides care in a  
7 trauma center or in a rehabilitation hospital to trauma patients on the State trauma  
8 registry as defined by the Maryland Institute for Emergency Medical Services Systems.

9           **[(7)] (9)**       “Uncompensated care” means care provided by a trauma  
10 physician **OR A TRAUMA HEALTH CARE PRACTITIONER** to a trauma patient on the State  
11 trauma registry who:

12                   (i)     Has no health insurance, including Medicare Part B coverage;

13                   (ii)    Is not eligible for medical assistance coverage; and

14                   (iii)   Has not paid the trauma physician **OR TRAUMA HEALTH CARE**  
15 **PRACTITIONER** for care provided by the trauma physician **OR TRAUMA HEALTH CARE**  
16 **PRACTITIONER**, after documented attempts by the trauma physician **OR TRAUMA**  
17 **HEALTH CARE PRACTITIONER** to collect payment.

18           (b)    (1)     There is a Maryland Trauma Physician Services Fund.

19                   (2)     The purpose of the Fund is to subsidize the documented costs:

20                   (i)     Of uncompensated care incurred by a trauma physician **OR A**  
21 **TRAUMA HEALTH CARE PRACTITIONER** in providing trauma care to a trauma patient on  
22 the State trauma registry;

23                   (ii)    Of undercompensated care incurred by a trauma physician **OR A**  
24 **TRAUMA HEALTH CARE PRACTITIONER** in providing trauma care to an enrollee of the  
25 Maryland Medical Assistance Program who is a trauma patient on the State trauma  
26 registry;

27                   (iii)   Incurred by a trauma center to maintain trauma physicians  
28 on-call as required by the Maryland Institute for Emergency Medical Services Systems;

29                   (iv)   Incurred by the State primary adult resource center to maintain  
30 trauma surgeons, orthopedic surgeons, neurosurgeons, and anesthesiologists on-call and  
31 on standby as required by the Maryland Institute for Emergency Medical Services Systems;  
32 and

1 (v) Incurred by the Commission and the Health Services Cost  
 2 Review Commission to administer the Fund and audit reimbursement requests to assure  
 3 appropriate payments are made from the Fund.

4 (3) The Commission and the Health Services Cost Review Commission  
 5 shall administer the Fund.

6 (4) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of  
 7 the State Finance and Procurement Article.

8 (5) Interest on and other income from the Fund shall be separately  
 9 accounted for and credited to the Fund, and are not subject to § 6-226(a) of the State  
 10 Finance and Procurement Article.

11 (c) The Fund consists of [motor]:

12 (1) **MOTOR** vehicle registration surcharges paid into the Fund in  
 13 accordance with § 13-954(b)(2) of the Transportation Article;

14 (2) **AT LEAST ~~10%~~ 20% OF THE FINES COLLECTED UNDER §**  
 15 **21-902(A)(1), (B)(2), (C)(2), AND (D)(1) OF THE TRANSPORTATION ARTICLE; AND**

16 (3) **ANY OTHER MONEY TRANSFERRED FROM THE GENERAL FUND OF**  
 17 **THE STATE.**

18 (d) (1) Disbursements from the Fund shall be made in accordance with a  
 19 methodology established jointly by the Commission and the Health Services Cost Review  
 20 Commission to calculate costs incurred by trauma physicians and trauma centers that are  
 21 eligible to receive reimbursement under subsection (b) of this section.

22 (2) The Fund shall transfer to ~~the~~

23 ~~(I) THE~~ **THE** Maryland Department of Health an amount sufficient to  
 24 fully cover the State's share of expenditures for the costs of undercompensated care  
 25 incurred by a trauma physician in providing trauma care to an enrollee of the Maryland  
 26 Medical Assistance Program who is a trauma patient on the State trauma registry; ~~AND~~

27 ~~(H) THE STATE PRIMARY ADULT RESOURCE CENTER AT LEAST~~  
 28 ~~\$10,000,000 FROM THE REMAINING BALANCE IN THE FUND EACH FISCAL YEAR.~~

29 (3) The methodology developed under paragraph (1) of this subsection  
 30 shall:

31 (i) Take into account:



1 B. For the minimum number of trauma physicians required  
2 to be on-call, as specified by the Maryland Institute for Emergency Medical Services  
3 Systems in its criteria for Level III trauma centers;

4 3. The cost incurred by a Level I trauma center or pediatric  
5 trauma center to maintain trauma surgeons, orthopedic surgeons, and neurosurgeons  
6 on-call when a post-graduate resident is attending in the trauma center shall be  
7 reimbursed:

8 A. At a rate of up to [30%] ~~35%~~ **60%** of the reasonable [cost  
9 equivalents] **COMPENSATION EQUIVALENT** hourly rate for the specialty, inflated to the  
10 current year by the physician compensation component of the Medicare economic index as  
11 designated by the Centers for Medicare and Medicaid Services; and

12 B. When a post-graduate resident is [permitted]  
13 **AUTHORIZED** to be in the trauma center, as specified by the Maryland Institute for  
14 Emergency Medical Services Systems in its criteria for Level I trauma centers or pediatric  
15 trauma centers;

16 4. The cost incurred by a Maryland Trauma Specialty  
17 Referral Center to maintain trauma surgeons on-call in the specialty of the Center when a  
18 post-graduate resident is attending in the Center shall be reimbursed:

19 A. At a rate of up to [30%] ~~35%~~ **60%** of the reasonable [cost  
20 equivalents] **COMPENSATION EQUIVALENT** hourly rate for the specialty, inflated to the  
21 current year by the physician compensation component of the Medicare economic index as  
22 designated by the Centers for Medicare and Medicaid Services; and

23 B. When a post-graduate resident is [permitted]  
24 **AUTHORIZED** to be in the Center, as specified by the Maryland Institute for Emergency  
25 Medical Services Systems in its criteria for a Maryland Trauma Specialty Referral Center;  
26 and

27 5. A. A Level II trauma center is eligible for a maximum  
28 of [24,500] **26,280** hours of trauma on-call per year;

29 B. A Level III trauma center is eligible for a maximum of  
30 35,040 hours of trauma on-call per year;

31 C. A Level I trauma center shall be eligible for a maximum of  
32 4,380 hours of trauma on-call per year;

33 D. A pediatric trauma center shall be eligible for a maximum  
34 of 4,380 hours of trauma on-call per year; and

1 E. A Maryland Trauma Specialty Referral Center shall be  
2 eligible for a maximum of 2,190 hours of trauma on-call per year;

3 (ii) The cost of undercompensated care incurred by a trauma  
4 physician in providing trauma care to enrollees of the Maryland Medical Assistance  
5 Program who are trauma patients on the State trauma registry shall be reimbursed at a  
6 rate of up to 100% of the Medicare payment for the service, minus any amount paid by the  
7 Maryland Medical Assistance Program;

8 (iii) The cost of uncompensated care incurred by a trauma physician  
9 in providing trauma care to trauma patients on the State trauma registry shall be  
10 reimbursed at a rate of 100% of the Medicare payment for the service, minus any recoveries  
11 made by the trauma physician for the care;

12 (iv) The Commission, in consultation with the Health Services Cost  
13 Review Commission, may establish a payment rate for uncompensated care incurred by a  
14 trauma physician in providing trauma care to trauma patients on the State trauma registry  
15 that is above 100% of the Medicare payment for the service if:

16 1. The Commission determines that increasing the payment  
17 rate above 100% of the Medicare payment for the service will address an unmet need in the  
18 State trauma system; and

19 2. The Commission reports on its intention to increase the  
20 payment rate to the Senate Finance Committee and the House Health and Government  
21 Operations Committee, in accordance with § 2-1257 of the State Government Article, at  
22 least 60 days before any adjustment to the rate;

23 (v) The Commission shall develop guidelines for the reimbursement  
24 of the documented costs of the State primary adult resource center under subsection  
25 (b)(2)(iv) of this section; [and]

26 **(VI) THE COMMISSION, IN CONSULTATION WITH THE HEALTH**  
27 **SERVICES COST REVIEW COMMISSION, MAY CHANGE THE PERCENTAGE OF THE**  
28 **REASONABLE COMPENSATION EQUIVALENT PAID TO TRAUMA HOSPITALS IF:**

29 **1. THE COMMISSION DETERMINES THAT THE ~~CURRENT~~**  
30 **PROJECTED REVENUE TO BE COLLECTED IN THE FUND IS ADEQUATE TO SUPPORT**  
31 **THE PROPOSED INCREASE IN THE PERCENTAGE OF REASONABLE COMPENSATION**  
32 **EQUIVALENT INFLATED TO THE CURRENT YEAR BY THE PHYSICIAN COMPENSATION**  
33 **COMPONENT OF THE MEDICARE FEE SCHEDULE COVERS LESS THAN 50% OF**  
34 **ALLOWABLE ON-CALL COSTS ECONOMIC INDEX; AND**

35 **2. THE COMMISSION REPORTS ON ITS INTENTION TO**  
36 **CHANGE THE PERCENTAGE OF REASONABLE COMPENSATION EQUIVALENT TO BE**  
37 **PAID FOR ON-CALL COSTS TO THE SENATE FINANCE COMMITTEE AND THE HOUSE**



1 HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE WITH §  
2 2-1257 OF THE STATE GOVERNMENT ARTICLE, AT LEAST 60 DAYS BEFORE ANY  
3 ADJUSTMENT TO THE ALLOWABLE HOURS;

4 (VII) THE COMMISSION, IN CONSULTATION WITH THE HEALTH  
5 SERVICES COST REVIEW COMMISSION, MAY CHANGE THE NUMBER OF ALLOWABLE  
6 HOURS OF TRAUMA ON-CALL EACH YEAR IF THE COMMISSION REPORTS ON ITS  
7 INTENTION TO CHANGE THE NUMBER OF ALLOWABLE HOURS TO THE SENATE  
8 FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS  
9 COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT  
10 ARTICLE, AT LEAST 60 DAYS BEFORE ANY ADJUSTMENT TO THE ALLOWABLE HOURS;

11 (VIII) THE COMMISSION MAY MODIFY THE PERCENTAGE PAID  
12 ~~FOR ON-CALL OUT OF THE MAXIMUM NUMBER OF HOURS ALLOWED FOR ON-CALL~~  
13 ~~CARE OF THE REASONABLE COMPENSATION EQUIVALENT FOR ON-CALL HOURS NOT~~  
14 MORE THAN ONCE EACH YEAR; AND

15 [(vi)] (IX) The total reimbursement to emergency physicians from  
16 the Fund may not exceed \$300,000 annually.

17 (5) In order to receive reimbursement, a trauma physician **OR A TRAUMA**  
18 **HEALTH CARE PRACTITIONER** in the case of costs of uncompensated care under  
19 subsection (b)(2)(i) of this section, or a trauma center in the case of on-call costs under  
20 subsection (b)(2)(iii) of this section, shall apply to the Fund on a form and in a manner  
21 approved by the Commission and the Health Services Cost Review Commission.

22 (6) (i) The Commission and the Health Services Cost Review  
23 Commission shall adopt regulations that specify the information that trauma physicians,  
24 **TRAUMA HEALTH CARE PRACTITIONERS**, and trauma centers must submit to receive  
25 money from the Fund.

26 (ii) The information required shall include:

27 1. The name and federal tax identification number of the  
28 trauma physician rendering the service;

29 2. The date of the service;

30 3. Appropriate codes describing the service;

31 4. Any amount recovered for the service rendered;

32 5. The name of the trauma patient;

33 6. The patient's trauma registry number; and



1 (f) On or before November 1 of each year, the Commission and the Health  
 2 Services Cost Review Commission shall report to the General Assembly, in accordance with  
 3 § 2-1257 of the State Government Article, on:

4 (1) The amount of money in the Fund on the last day of the previous fiscal  
 5 year;

6 (2) The amount of money applied for by trauma physicians, **TRAUMA**  
 7 **HEALTH CARE PRACTITIONERS**, and trauma centers during the previous fiscal year;

8 (3) The amount of money distributed in the form of trauma physician,  
 9 **TRAUMA HEALTH CARE PRACTITIONER**, and trauma center reimbursements during the  
 10 previous fiscal year;

11 (4) Any recommendations for altering the manner in which trauma  
 12 physicians, **TRAUMA HEALTH CARE PRACTITIONERS**, and trauma centers are  
 13 reimbursed from the Fund;

14 (5) The costs incurred in administering the Fund during the previous fiscal  
 15 year; [and]

16 (6) The amount that each hospital that participates in the Maryland  
 17 trauma system and that has a trauma center contributes toward the subsidization of  
 18 trauma-related costs for its trauma center; ~~AND~~

19 (7) ~~THE AMOUNT THE HEALTH SERVICES COST REVIEW~~  
 20 ~~COMMISSION ALLOWED COSTS THAT HOSPITALS REPORTED TO THE HEALTH~~  
 21 ~~SERVICES COST REVIEW COMMISSION AND ARE ACCOUNTED FOR IN THE GLOBAL~~  
 22 ~~BUDGETS OF THE HOSPITALS FOR EACH OF THE FOLLOWING:~~

23 (I) ~~IN HOSPITAL RATES FOR TRAUMA~~ TRAUMA STANDBY;

24 (II) ~~IN ALLOWABLE~~ ALLOWABLE TRAUMA CENTER COSTS FOR  
 25 REIMBURSING THE TRAUMA DIRECTOR AND TRAUMA STAFF;

26 (III) ~~FOR MAINTAINING~~ MAINTAINING MARYLAND INSTITUTE  
 27 FOR EMERGENCY MEDICAL SERVICES SYSTEMS TRAUMA PROTOCOLS;

28 (IV) ~~FOR MAINTAINING~~ MAINTAINING SPECIALIZED TRAUMA  
 29 STAFF;

30 (V) ~~FOR PROCURING~~ PROCURING SPECIALIZED TRAUMA  
 31 EQUIPMENT; AND

1 (VI) ~~FOR PROVIDING~~ PROVIDING TRAUMA EDUCATION AND  
 2 TRAINING; AND

3 (8) ANY IMPROVEMENTS MADE BY TRAUMA CENTERS AS A RESULT OF  
 4 AN INCREASE IN FUNDING.

5 (G) THE COMMISSION SHALL AWARD AN ANNUAL GRANT FROM THE FUND  
 6 IN THE AMOUNT UP TO \$1,800,000 TO LEVEL I PEDIATRIC TRAUMA CENTERS AS  
 7 FOLLOWS:

8 (1) UP TO \$900,000 TO JOHNS HOPKINS CHILDREN'S CENTER; AND

9 (2) UP TO \$900,000 TO CHILDREN'S NATIONAL MEDICAL CENTER.

10 Article – Public Safety

11 8–102.

12 (a) There is a Senator William H. Amoss Fire, Rescue, and Ambulance Fund.

13 (G) BEGINNING IN FISCAL YEAR 2026, THE GOVERNOR SHALL INCLUDE AN  
 14 ANNUAL APPROPRIATION TO THE FUND OF AT LEAST \$16,500,000.

15 ~~Article – State Finance and Procurement~~

16 ~~7–118.~~

17 ~~(a) In its annual submission of the proposed budget, the Department of Budget~~  
 18 ~~and Management shall provide, for informational purposes, a budget presentation that~~  
 19 ~~includes a description of the proposed expenditures under the Maryland Emergency~~  
 20 ~~Medical System Operations Fund for the:~~

21 ~~(1) Maryland Institute for Emergency Medical Services Systems;~~

22 ~~(2) R-Adams-Cowley Shock Trauma Center;~~

23 ~~(3) Maryland Fire and Rescue Institute; AND~~

24 ~~(4) [Aviation Division of the Special Operations Bureau, Department of~~  
 25 ~~State Police; and~~

26 ~~(5) grants under the Senator William H. Amoss Fire, Rescue, and~~  
 27 ~~Ambulance Fund.~~

28 Article – Transportation

1 13-954.

2 (a) In this section, “motor vehicle” means a:

3 (1) Class A (passenger) vehicle;

4 (2) Class B (for hire) vehicle;

5 (3) Class C (funeral and ambulance) vehicle;

6 (4) Class D (motorcycle) vehicle;

7 (5) Class E (truck) vehicle;

8 (6) Class F (tractor) vehicle;

9 (7) Class H (school) vehicle;

10 (8) Class J (vanpool) vehicle;

11 (9) Class M (multipurpose) vehicle;

12 (10) Class P (passenger bus) vehicle;

13 (11) Class Q (limousine) vehicle;

14 (12) Class R (low speed) vehicle; or

15 (13) Vehicle within any other class designated by the Administrator.

16 (b) (1) In addition to the registration fee otherwise required by this title, the  
 17 owner of any motor vehicle registered under this title shall pay a surcharge of ~~[\$17.00]~~  
 18 ~~\$24.50~~ **\$40.00** per year for each motor vehicle registered.

19 (2) **(i)** ~~[\$2.50]~~ ~~\$10~~ **\$6.50** of the surcharge collected under paragraph (1)  
 20 of this subsection shall be paid into the Maryland Trauma Physician Services Fund  
 21 established under § 19-130 of the Health – General Article.

22 **(ii) THE GOVERNOR ANNUALLY SHALL ALLOCATE AT LEAST**  
 23 **\$9.00 OF THE SURCHARGE COLLECTED UNDER PARAGRAPH (1) OF THIS**  
 24 **SUBSECTION TO THE R ADAMS COWLEY SHOCK TRAUMA CENTER.**

25 **(iii) THE BALANCE OF THE SURCHARGE COLLECTED UNDER**  
 26 **PARAGRAPH (I) OF THIS SUBSECTION SHALL BE PAID TO THE MARYLAND**  
 27 **EMERGENCY MEDICAL SYSTEM OPERATIONS FUND ESTABLISHED UNDER § 13-955**  
 28 **OF THIS SUBTITLE.**

1 13-955.

2 (a) In this section, "Fund" means the Maryland Emergency Medical System  
3 Operations Fund.

4 (b) (1) There is a Maryland Emergency Medical System Operations Fund.

5 (2) The Comptroller shall administer the Fund, including accounting for  
6 all transactions and performing year-end reconciliation.

7 (3) The Fund is a continuing, nonlapsing fund which is not subject to §  
8 7-302 of the State Finance and Procurement Article.

9 (4) Interest and earnings on the Fund shall be separately accounted for and  
10 credited to the Fund, and are not subject to § 6-226(a) of the State Finance and  
11 Procurement Article.

12 (c) The Fund consists of:

13 (1) Registration surcharges collected under § 13-954 of this subtitle;

14 (2) All funds, including charges for accident scene transports and  
15 interhospital transfers of patients, generated by an entity specified in subsection (e) of this  
16 section that is a unit of State government; and

17 (3) Revenues distributed to the Fund from the surcharges collected under  
18 § 7-301(f) of the Courts Article.

19 (d) Expenditures from the Fund shall be made pursuant to an appropriation  
20 approved by the General Assembly in the annual State budget or by the budget amendment  
21 procedure provided under § 7-209 of the State Finance and Procurement Article, provided  
22 that any budget amendment shall be submitted to and approved by the Legislative Policy  
23 Committee prior to the expenditure or obligation of funds.

24 (e) The money in the Fund shall be used solely for:

25 (1) ~~¶~~Medically oriented functions of the Department of State Police, Special  
26 Operations Bureau, Aviation Division;

27 (2)~~¶~~ The Maryland Institute for Emergency Medical Services Systems;

28 ~~¶(3) ¶(2)~~ The R Adams Cowley Shock Trauma Center at the University of  
29 Maryland Medical System;

30 ~~¶(4) ¶(3)~~ The Maryland Fire and Rescue Institute;

1           ~~[(5)]~~ ~~(4)~~       The provision of grants under the Senator William H. Amoss  
2 Fire, Rescue, and Ambulance Fund in accordance with the provisions of Title 8, Subtitle 1  
3 of the Public Safety Article; and

4           ~~[(6)]~~ ~~(5)~~       The Volunteer Company Assistance Fund in accordance with the  
5 provisions of Title 8, Subtitle 2 of the Public Safety Article.

6 21-902.

7           (a)   (1)   (i)   A person may not drive or attempt to drive any vehicle while  
8 under the influence of alcohol.

9                               (ii)   A person may not drive or attempt to drive any vehicle while the  
10 person is under the influence of alcohol per se.

11                              (iii)   A person convicted of a violation of this paragraph is subject to:

12   1.   For a first offense, imprisonment not exceeding 1 year or  
13 a fine not exceeding ~~[\$1,000]~~ ~~\$1,100~~ \$1,200 or both; and

14   2.   For a second offense, imprisonment not exceeding 2 years  
15 or a fine not exceeding ~~[\$2,000]~~ ~~\$2,200~~ \$2,400 or both.

16                              (iv)   For the purpose of determining subsequent offender penalties for  
17 a violation of this paragraph, a prior conviction under subsection (b), (c), or (d) of this section  
18 or § 8-738 of the Natural Resources Article, within 5 years before the conviction for a  
19 violation of this paragraph, shall be considered a prior conviction.

20           (2)   (i)   A person may not violate paragraph (1) of this subsection while  
21 transporting a minor.

22                              (ii)   A person convicted of a violation of this paragraph is subject to:

23   1.   For a first offense, imprisonment not exceeding 2 years or  
24 a fine not exceeding \$2,000 or both; and

25   2.   For a second offense, imprisonment not exceeding 3 years  
26 or a fine not exceeding \$3,000 or both.

27                              (iii)   For the purpose of determining subsequent offender penalties for  
28 a violation of this paragraph, a prior conviction under this paragraph or subsection (b)(2),  
29 (c)(2), or (d)(2) of this section shall be considered a prior conviction.

30           (b)   (1)   (i)   A person may not drive or attempt to drive any vehicle while  
31 impaired by alcohol.

32                              (ii)   A person convicted of a violation of this paragraph is subject to:

1                   1.     For a first offense, imprisonment not exceeding 2 months  
2 or a fine not exceeding \$500 or both; and

3                   2.     For a second offense, imprisonment not exceeding 1 year  
4 or a fine not exceeding \$500 or both.

5                   (iii)   For the purpose of determining subsequent offender penalties for  
6 a violation of this paragraph, a prior conviction under this subsection or subsection (a), (c),  
7 or (d) of this section or § 8-738 of the Natural Resources Article shall be considered a prior  
8 conviction.

9                   (2)   (i)     A person may not violate paragraph (1) of this subsection while  
10 transporting a minor.

11                   (ii)   A person convicted of a violation of this paragraph is subject to:

12                   1.     For a first offense, imprisonment not exceeding 1 year or  
13 a fine not exceeding [\$1,000] ~~\$1,100~~ \$1,200 or both; and

14                   2.     For a second offense, imprisonment not exceeding 2 years  
15 or a fine not exceeding [\$2,000] ~~\$2,200~~ \$2,400 or both.

16                   (iii)   For the purpose of determining subsequent offender penalties for  
17 a violation of this paragraph, a prior conviction under this paragraph or subsection (a)(2),  
18 (c)(2), or (d)(2) of this section shall be considered a prior conviction.

19                   (c)   (1)   (i)     A person may not drive or attempt to drive any vehicle while so  
20 far impaired by any drug, any combination of drugs, or a combination of one or more drugs  
21 and alcohol that the person cannot drive a vehicle safely.

22                   (ii)   A person convicted of a violation of this paragraph is subject to:

23                   1.     For a first offense, imprisonment not exceeding 2 months  
24 or a fine not exceeding \$500 or both; and

25                   2.     For a second offense, imprisonment not exceeding 1 year  
26 or a fine not exceeding \$500 or both.

27                   (iii)   For the purpose of determining subsequent offender penalties for  
28 a violation of this paragraph, a prior conviction under this subsection or subsection (a), (b),  
29 or (d) of this section or § 8-738 of the Natural Resources Article shall be considered a prior  
30 conviction.

31                   (iv)   It is not a defense to any charge of violating this subsection that  
32 the person charged is or was entitled under the laws of this State to use the drug,  
33 combination of drugs, or combination of one or more drugs and alcohol, unless the person



1 was unaware that the drug or combination would make the person incapable of safely  
2 driving a vehicle.

3 (2) (i) A person may not violate paragraph (1) of this subsection while  
4 transporting a minor.

5 (ii) A person convicted of a violation of this paragraph is subject to:

6 1. For a first offense, imprisonment not exceeding 1 year or  
7 a fine not exceeding [\$1,000] ~~\$1,100~~ \$1,200 or both; and

8 2. For a second offense, imprisonment not exceeding 2 years  
9 or a fine not exceeding [\$2,000] ~~\$2,200~~ \$2,400 or both.

10 (iii) For the purpose of determining subsequent offender penalties for  
11 a violation of this paragraph, a prior conviction under this paragraph or subsection (a)(2),  
12 (b)(2), or (d)(2) of this section shall be considered a prior conviction.

13 (d) (1) (i) A person may not drive or attempt to drive any vehicle while the  
14 person is impaired by any controlled dangerous substance, as that term is defined in §  
15 5–101 of the Criminal Law Article, if the person is not entitled to use the controlled  
16 dangerous substance under the laws of this State.

17 (ii) A person convicted of a violation of this paragraph is subject to:

18 1. For a first offense, imprisonment not exceeding 1 year or  
19 a fine not exceeding [\$1,000] ~~\$1,100~~ \$1,200 or both; and

20 2. For a second offense, imprisonment not exceeding 2 years  
21 or a fine not exceeding [\$2,000] ~~\$2,200~~ \$2,400 or both.

22 (iii) For the purpose of determining subsequent offender penalties for  
23 a violation of this paragraph, a prior conviction under subsection (a), (b), or (c) of this section  
24 or § 8–738 of the Natural Resources Article, within 5 years before the conviction for a  
25 violation of this paragraph, shall be considered a prior conviction.

26 (2) (i) A person may not violate paragraph (1) of this subsection while  
27 transporting a minor.

28 (ii) A person convicted of a violation of this paragraph is subject to:

29 1. For a first offense, imprisonment not exceeding 2 years or  
30 a fine not exceeding \$2,000 or both; and

31 2. For a second offense, imprisonment not exceeding 3 years  
32 or a fine not exceeding \$3,000 or both.

1                           (iii) For the purpose of determining subsequent offender penalties for  
2 a violation of this paragraph, a prior conviction under this paragraph or subsection (a)(2),  
3 (b)(2), or (c)(2) of this section shall be considered a prior conviction.

4           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
5 1, 2024.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.