

# HOUSE BILL 1277

E4

4lr2357  
CF SB 729

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By: **Delegates Embry and Amprey**  
Introduced and read first time: February 8, 2024  
Assigned to: Economic Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 22, 2024

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

1 AN ACT concerning

2 ~~Security Guards – Use of Force Reporting – Health Care Related Physical~~  
3 ~~Interventions~~  
4 Business Occupations and Professions – Security Guards – Use of Force  
5 Reporting, Standards, and Certifications

6 FOR the purpose of ~~providing that a health care related physical intervention does not~~  
7 ~~constitute use of force for purposes relating to a certain report required to be made~~  
8 ~~to the Secretary of State Police~~; prohibiting a certain report from including certain  
9 information; requiring the employer of a security guard providing security guard  
10 services on the premises of a health care facility to report certain information to the  
11 Secretary of State Police; altering the effective date of certain provisions of law  
12 relating to security guards; and generally relating to ~~use of force reporting by~~  
13 security guards.

14 BY repealing and reenacting, with amendments,  
15 Article – Business Occupations and Professions  
16 Section 19–414  
17 Annotated Code of Maryland  
18 (2018 Replacement Volume and 2023 Supplement)  
19 (As enacted by Chapter 763 of the Acts of the General Assembly of 2023)

20 BY repealing and reenacting, with amendments,  
21 Chapter 763 of the Acts of the General Assembly of 2023  
22 Section 2

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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.



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

**Article – Business Occupations and Professions**

19–414.

(a) (1) In this section, “use” ~~THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) “HEALTH CARE RELATED PHYSICAL INTERVENTION” MEANS AN ACT THAT IS:~~

~~(i) PERFORMED ON THE PREMISES OF A HEALTH CARE FACILITY, AS DEFINED IN § 15-10B-01 OF THE INSURANCE ARTICLE, AT THE DIRECTION OF A DOCTOR OR NURSE WHILE ACTING IN THE COURSE OF THE DOCTOR’S OR NURSE’S EMPLOYMENT; AND~~

~~(ii) 1. A PHYSICAL ACTION OR THE USE OF A DEVICE THAT CANNOT BE EASILY REMOVED TO PREVENT, SUPPRESS, OR CONTROL HEAD, BODY, OR LIMB MOVEMENT; OR~~

~~2. THE ADMINISTRATION OF DRUGS WITH THE INTENT OF SIGNIFICANTLY CURTAILING THE NORMAL MOBILITY OR NORMAL PHYSICAL ACTIVITY OF AN INDIVIDUAL IN ORDER TO PROTECT THE INDIVIDUAL FROM INJURING THE INDIVIDUAL OR ANOTHER.~~

~~(3)~~ (1) “Use of force” means:

~~{(i)}~~ 1. any physical striking of an individual;

~~{(ii)}~~ 2. any significant physical contact that restricts the movement of an individual, including control techniques; or

~~{(iii)}~~ 3. the detainment of an individual without the individual’s consent.

~~{(2)}~~ (1) “Use of force” includes:

~~{(i)}~~ 1. the discharge of a firearm;

~~{(ii)}~~ 2. the discharge of pepper mace, as defined in § 4–101 of the Criminal Law Article; and

1                    ~~[(iii)] 3~~ the use of an electronic control device, as defined in §  
2 4–109 of the Criminal Law Article.

3                    ~~[(3)] (III)~~ “Use of force” does not include mere presence, verbal commands,  
4 ~~for~~ escorting an individual with minimal resistance, ~~OR A HEALTH CARE RELATED~~  
5 ~~PHYSICAL INTERVENTION THAT WAS REPORTED AS AN ADVERSE EVENT TO THE~~  
6 ~~MARYLAND DEPARTMENT OF HEALTH.~~

7            (b)    (1)    Subject to paragraph (2) of this subsection, a security guard shall report  
8 any use of force against a person while providing security guard services on behalf of the  
9 licensed security guard agency or for the security guard employer to the security guard  
10 agency or the security guard employer within 48 hours after the use of force on a form  
11 provided by the Secretary.

12            (2)    A security guard is not required to report any use of force against a  
13 person within 48 hours after the use of force if the security guard is seriously injured or  
14 disabled.

15            (c)    (1)    ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A  
16 licensed security guard agency or security guard employer shall, in accordance with  
17 [paragraph] **PARAGRAPHS (2) AND (3)** of this subsection, report any use of force by a  
18 security guard while providing security guard services on its behalf or for it to the Secretary  
19 within 48 hours after receiving the form completed under subsection (b)(1) of this section.

20            (2)    The use of force report under paragraph (1) of this subsection shall  
21 include:

- 22                    (i)    the type of encounter;
- 23                    (ii)   the type of force used;
- 24                    (iii)  the location of the incident where force was used;
- 25                    (iv)  whether the individual against whom force was used was  
26 arrested and, if known, what charges the individual received;
- 27                    (v)   whether the individual against whom force was used requested  
28 or required medical care;
- 29                    (vi)  whether the security guard requested or required medical care;
- 30                    (vii) demographic information about any individuals against whom  
31 force was used and any security guard involved in the incident, including race, ethnicity,  
32 gender, and age; and
- 33                    (viii) the form completed under subsection (b)(1) of this section.

