

SENATE BILL 729

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CF HB 1277

By: **Senator Carter**

Introduced and read first time: January 31, 2024

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 29, 2024

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

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

3 **Article – Business Occupations and Professions**

4 19–414.

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

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

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

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

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

20 ~~(3) (i) “USE of force” means:~~

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

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

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

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

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

28 ~~{(ii)} 2. the discharge of pepper mace, as defined in § 4–101 of the~~
29 ~~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 ~~[or]~~ 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.

1 (3) A USE OF FORCE REPORT UNDER PARAGRAPH (1) OF THIS
2 SUBSECTION MAY NOT INCLUDE INFORMATION THAT IS PROHIBITED FROM
3 DISCLOSURE BY STATE OR FEDERAL LAW.

4 (D) THE EMPLOYER OF A SECURITY GUARD PROVIDING SECURITY GUARD
5 SERVICES ON THE PREMISES OF A HEALTH CARE FACILITY, AS DEFINED IN § 19-114
6 OF THE HEALTH – GENERAL ARTICLE, SHALL REPORT EVERY 7 DAYS TO THE
7 SECRETARY OF STATE POLICE ON THE NUMBER OF CODE GREENS INITIATED FOR
8 COMBATIVE PERSONS AND CODE PURPLES INITIATED FOR SECURITY-ONLY
9 RESPONSES, AS THOSE EMERGENCY CODES ARE IDENTIFIED IN TITLE 10 OF THE
10 CODE OF MARYLAND REGULATIONS, OCCURRING IN THE PREVIOUS 7 DAYS.

11 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
12 as follows:

13 **Chapter 763 of the Acts of 2023**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 [June 1, 2024] JANUARY 1, 2025.

16 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
17 take effect ~~June 1, 2024~~ January 1, 2025, the effective date of Chapter 763 of the Acts of
18 the General Assembly of 2023. If the effective date of Chapter 763 is amended, Section 1 of
19 this Act shall take effect on the taking effect of Chapter 763.

20 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
21 3 of this Act, this Act shall take effect June 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.