

# SENATE BILL 1071

J1, J3

(4lr1663)

## ENROLLED BILL

— Finance/Health and Government Operations —

Introduced by **Senator McKay**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

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

1 AN ACT concerning

2 **Hospitals – Opioid Overdose – ~~Medication-Assisted Treatment~~ and**  
3 **Opioid-Related Emergency Medical Conditions – Treatment**

4 FOR the purpose of requiring hospitals to establish and maintain certain protocols and  
5 capacity related to the treatment of patients who are being treated for an  
6 opioid-related overdose or opioid-related emergency medical condition; requiring  
7 hospitals to ~~connect~~ make a referral for patients who are diagnosed with opioid use  
8 disorder or administered or prescribed ~~medication-assisted treatment~~ medication  
9 for opioid use disorder to an appropriate provider to voluntarily continue treatment  
10 in the community under certain circumstances and work with peer support  
11 professionals for a certain purpose; ~~requiring the Governor to include in the annual~~  
12 ~~budget bill for a certain fiscal year a certain appropriation from the Opioid~~  
13 ~~Restitution Fund for hospitals to provide training and resources to implement the~~  
14 ~~requirements of this Act~~; and generally relating to hospitals and treatment for opioid  
15 use disorder and opioid-related emergency medical conditions.

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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.

*Italics indicate opposite chamber/conference committee amendments.*



1 BY adding to  
 2 Article – Health – General  
 3 Section 19–308.10  
 4 Annotated Code of Maryland  
 5 (2023 Replacement Volume)

6 ~~BY repealing and reenacting, with amendments,~~  
 7 ~~Article – State Finance and Procurement~~  
 8 ~~Section 7–331~~  
 9 ~~Annotated Code of Maryland~~  
 10 ~~(2021 Replacement Volume and 2023 Supplement)~~

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

13 **Article – Health – General**

14 **19–308.10.**

15 (A) ~~(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~  
 16 ~~INDICATED.~~

17 ~~(2) “MEDICATION” MEANS, “MEDICATION FOR OPIOID USE~~  
 18 ~~DISORDER”:~~

19 ~~(1) MEANS A DRUG APPROVED BY THE U.S. FOOD AND DRUG~~  
 20 ~~ADMINISTRATION FOR THE TREATMENT OF OPIOID USE DISORDER; AND~~

21 ~~(2) DOES NOT INCLUDE A DRUG ADMINISTERED TO MITIGATE~~  
 22 ~~OPIOID-RELATED OVERDOSE SYMPTOMS.~~

23 ~~(3) “MEDICATION ASSISTED TREATMENT” MEANS THE USE OF~~  
 24 ~~MEDICATION, IN COMBINATION WITH COUNSELING AND BEHAVIORAL HEALTH~~  
 25 ~~THERAPIES, TO PROVIDE A HOLISTIC APPROACH TO THE TREATMENT OF OPIOID USE~~  
 26 ~~DISORDER.~~

27 ~~(4) “OPIOID USE DISORDER” MEANS A MEDICALLY DIAGNOSED~~  
 28 ~~PROBLEMATIC PATTERN OF OPIOID USE THAT CAUSES A SIGNIFICANT IMPAIRMENT~~  
 29 ~~OR DISTRESS.~~

30 (B) EACH HOSPITAL SHALL ESTABLISH AND MAINTAIN, AS PART OF ITS  
 31 EMERGENCY SERVICES, PROTOCOLS AND CAPACITY TO:

1 (1) PROVIDE TO A PATIENT BEFORE DISCHARGING THE PATIENT  
2 APPROPRIATE, EVIDENCE-BASED INTERVENTIONS THAT REDUCE THE RISK OF  
3 SUBSEQUENT HARM AND FATALITY FOLLOWING AN OPIOID-RELATED OVERDOSE OR  
4 A VISIT FOR AN OPIOID-RELATED EMERGENCY MEDICAL CONDITION;

5 (2) POSSESS, ~~DISPENSE, ADMINISTER, AND PRESCRIBE~~  
6 ~~MEDICATION ASSISTED TREATMENT, INCLUDING~~ AT LEAST ONE FORMULATION OF  
7 EACH U.S. FOOD AND DRUG ADMINISTRATION-APPROVED FULL OPIOID AGONIST,  
8 AND PARTIAL OPIOID AGONIST, AND LONG ACTING OPIOID ANTAGONIST USED FOR  
9 THE TREATMENT OF OPIOID USE DISORDER; AND

10 (3) TREAT A PATIENT WHO PRESENTS IN A HOSPITAL EMERGENCY  
11 DEPARTMENT FOR CARE AND TREATMENT OF AN OPIOID-RELATED OVERDOSE OR  
12 OPIOID-RELATED EMERGENCY MEDICAL CONDITION WITH A MEDICATION FOR  
13 OPIOID USE DISORDER IF THE TREATMENT:

14 (I) OCCURS AS RECOMMENDED BY THE TREATING HEALTH  
15 CARE PRACTITIONER; AND

16 (II) IS VOLUNTARILY AGREED TO BY THE PATIENT.

17 (C) A PROTOCOL ESTABLISHED BY A HOSPITAL UNDER THIS SECTION SHALL  
18 ~~COMPLY WITH~~ INCLUDE:

19 (1) ~~APPLICABLE TRAINING AND WAIVER REQUIREMENTS~~  
20 ~~ESTABLISHED BY THE FEDERAL DRUG ENFORCEMENT AGENCY; AND~~

21 ~~(2)~~ ANY REQUIREMENT BY THE DEPARTMENT REGARDING  
22 PRESCRIBING OPIOID AGONIST TREATMENT;

23 (2) UNIFORM PRACTICES FOR SCREENING AND DIAGNOSING  
24 INDIVIDUALS WHO PRESENT WITH AN OPIOID-RELATED OVERDOSE OR  
25 OPIOID-RELATED EMERGENCY MEDICAL CONDITION FOR AN OPIOID USE DISORDER  
26 BASED ON THE CRITERIA IN THE MOST RECENT EDITION OF THE DIAGNOSTIC AND  
27 STATISTICAL MANUAL OF MENTAL DISORDERS;

28 (3) UNIFORM PRACTICES FOR OFFERING AND ADMINISTERING  
29 OPIOID AGONIST MEDICATION TO TREAT AN OPIOID-RELATED OVERDOSE OR  
30 OPIOID USE DISORDER; AND

31 (4) UNIFORM PRACTICES TO IDENTIFY COMMUNITY-BASED  
32 TREATMENT SERVICES THAT ARE APPROPRIATE FOR:

33 (I) TREATING OPIOID USE DISORDERS; AND

1 (II) ASSISTING PATIENTS TO VOLUNTARILY ACCESS ONGOING  
 2 COMMUNITY-BASED TREATMENT AT DISCHARGE.

3 (D) BEFORE DISCHARGING A PATIENT WHO IS DIAGNOSED WITH AN OPIOID  
 4 USE DISORDER OR ADMINISTERED OR PRESCRIBED ~~MEDICATION-ASSISTED~~  
 5 ~~TREATMENT~~ MEDICATION FOR OPIOID USE DISORDER, A HOSPITAL SHALL ~~CONNECT~~  
 6 ~~THE PATIENT WITH AN APPROPRIATE PROVIDER OR FACILITY TO VOLUNTARILY~~  
 7 ~~CONTINUE TREATMENT;~~

8 (1) MAKE A REFERRAL OF THE PATIENT TO AN APPROPRIATE  
 9 PROVIDER OR FACILITY FOR A TIMELY APPOINTMENT, WHEN POSSIBLE, TO  
 10 VOLUNTARILY CONTINUE TREATMENT IN THE COMMUNITY; AND

11 (2) WORK WITH PEER SUPPORT PROFESSIONALS, AS AVAILABLE, OR  
 12 OTHER RESOURCES TO ASSIST THE PATIENT IN ACCESSING THE IDENTIFIED  
 13 TREATMENT SERVICES.

14 ~~Article State Finance and Procurement~~

15 ~~7-331.~~

16 (a) ~~In this section, "Fund" means the Opioid Restitution Fund.~~

17 (b) ~~There is an Opioid Restitution Fund.~~

18 (c) ~~The purpose of the Fund is to retain the amount of settlement revenues~~  
 19 ~~deposited to the Fund in accordance with subsection (c)(1) of this section.~~

20 (d) (1) ~~The Fund is a special, nonlapsing fund that is not subject to § 7-302 of~~  
 21 ~~this subtitle.~~

22 (2) ~~The State Treasurer shall hold the Fund separately, and the~~  
 23 ~~Comptroller shall account for the Fund.~~

24 (e) ~~The Fund consists of:~~

25 (1) ~~all revenues received by the State from any source resulting, directly or~~  
 26 ~~indirectly, from any judgment against, or settlement with, opioid manufacturers, opioid~~  
 27 ~~research associations, or any other person in the opioid industry relating to any claims~~  
 28 ~~made or prosecuted by the State to recover damages for violations of State law; and~~

29 (2) ~~the interest earnings of the Fund.~~

30 (f) ~~The Fund may be used only to provide funds for:~~

1 ~~(1) programs, services, supports, and resources for evidence based~~  
2 ~~substance use disorder prevention, treatment, recovery, or harm reduction that have the~~  
3 ~~purpose of:~~

4 ~~(i) improving access to medications proven to prevent or reverse an~~  
5 ~~overdose;~~

6 ~~(ii) supporting peer support specialists and screening, brief~~  
7 ~~intervention, and referral to treatment services for hospitals, correctional facilities, and~~  
8 ~~other high-risk populations;~~

9 ~~(iii) increasing access to medications that support recovery from~~  
10 ~~substance use disorders;~~

11 ~~(iv) expanding the Heroin Coordinator Program, including for~~  
12 ~~administrative expenses;~~

13 ~~(v) expanding access to crisis beds and residential treatment~~  
14 ~~services for adults and minors;~~

15 ~~(vi) expanding and establishing safe stations, mobile crisis response~~  
16 ~~systems, and crisis stabilization centers;~~

17 ~~(vii) supporting the behavioral health crisis hotline;~~

18 ~~(viii) organizing primary and secondary school education campaigns~~  
19 ~~to prevent opioid use, including for administrative expenses;~~

20 ~~(ix) enforcing the laws regarding opioid prescriptions and sales,~~  
21 ~~including for administrative expenses;~~

22 ~~(x) research regarding and training for substance use treatment and~~  
23 ~~overdose prevention, including for administrative expenses; and~~

24 ~~(xi) supporting and expanding other evidence based interventions~~  
25 ~~for overdose prevention and substance use treatment;~~

26 ~~(2) evidence informed substance use disorder prevention, treatment~~  
27 ~~recovery, or harm reduction pilot programs or demonstration studies that are not~~  
28 ~~evidence based if the Opioid Restitution Fund Advisory Council, established under §~~  
29 ~~7.5-902 of the Health General Article;~~

30 ~~(i) determines that emerging evidence supports the distribution of~~  
31 ~~money for the pilot program or that there is a reasonable basis for funding the~~  
32 ~~demonstration study with the expectation of creating an evidence based program; and~~

1                   (ii) ~~approves the use of money for the pilot program or demonstration~~  
2 ~~study; and~~

3                   (3) ~~evaluations of the effectiveness and outcomes reporting for substance~~  
4 ~~use disorder abatement infrastructure, programs, services, supports, and resources for~~  
5 ~~which money from the Fund was used, including evaluations of the impact on access to~~  
6 ~~harm reduction services or treatment for substance use disorders and the reduction in~~  
7 ~~drug-related mortality.~~

8                   (g) (1) ~~The State Treasurer shall invest the money of the Fund in the same~~  
9 ~~manner as other State money may be invested.~~

10                   (2) ~~Any interest earnings of the Fund shall be credited to the Fund.~~

11                   (h) (1) ~~Expenditures from the Fund may be made only in accordance with the~~  
12 ~~State budget.~~

13                   (2) ~~FOR FISCAL YEAR 2026, THE GOVERNOR SHALL INCLUDE IN THE~~  
14 ~~ANNUAL BUDGET BILL AN APPROPRIATION OF \$500,000 FROM THE FUND TO~~  
15 ~~PROVIDE TRAINING AND RESOURCES TO HOSPITALS TO IMPLEMENT THE~~  
16 ~~REQUIREMENTS OF § 19-308.10 OF THE HEALTH GENERAL ARTICLE.~~

17                   ~~(2)~~ (3) ~~For settlement funds received in accordance with the final~~  
18 ~~distributor agreement of July 21, 2021, with McKesson Corporation, Amerisource Bergen~~  
19 ~~Corporation, and Cardinal Health Incorporated, as amended, the Janssen settlement~~  
20 ~~agreement of July 21, 2021, as amended, or any other opioid-related court or~~  
21 ~~administrative judgment or settlement agreement involving the State and one or more of~~  
22 ~~its political subdivisions:~~

23                   (i) ~~appropriations from the Fund in the State budget shall be made~~  
24 ~~in accordance with the allocation and distribution of funds to the State and its political~~  
25 ~~subdivisions:~~

26                   1. ~~as agreed on in the State subdivision agreement of~~  
27 ~~January 21, 2022, as amended; or~~

28                   2. ~~required under any other opioid-related court or~~  
29 ~~administrative judgment or settlement agreement, or any similar agreement reached under~~  
30 ~~an opioid-related court or administrative judgment or settlement agreement, involving the~~  
31 ~~State and one or more of its political subdivisions; and~~

32                   (ii) ~~the Secretary of Health shall establish and administer a grant~~  
33 ~~program for the distribution of funds to political subdivisions of the State in accordance~~  
34 ~~with:~~

1 ~~1. the State subdivision agreement of January 21, 2022, as~~  
2 ~~amended; or~~

3 ~~2. the requirements of any other opioid-related court or~~  
4 ~~administrative judgment or settlement agreement, or any similar agreement reached under~~  
5 ~~an opioid-related court or administrative judgment or settlement agreement, involving the~~  
6 ~~State and one or more of its political subdivisions.~~

7 ~~[(3)] (4) The Attorney General shall identify and designate the~~  
8 ~~controlling version of any agreement or amendment described under paragraph [(2)] (3) of~~  
9 ~~this subsection.~~

10 ~~(i) (1) Money expended from the Fund for the programs and services described~~  
11 ~~under subsection (f) of this section is supplemental to and is not intended to take the place~~  
12 ~~of funding that otherwise would be appropriated for the programs and services.~~

13 ~~(2) Except as specified in subsection (f) of this section, money expended~~  
14 ~~from the Fund may not be used for administrative expenses.~~

15 ~~(j) The Governor shall:~~

16 ~~(1) develop key goals, key objectives, and key performance indicators~~  
17 ~~relating to substance use treatment and prevention efforts;~~

18 ~~(2) subject to subsection [(h)(2)] (H)(3) of this section, at least twice~~  
19 ~~annually, consult with the Opioid Restitution Fund Advisory Council to identify~~  
20 ~~recommended appropriations from the Fund; and~~

21 ~~(3) report on or before November 1 each year, in accordance with § 2-1257~~  
22 ~~of the State Government Article, to the General Assembly on:~~

23 ~~(i) an accounting of total funds expended from the Fund in the~~  
24 ~~immediately preceding fiscal year, by:~~

25 ~~1. use;~~

26 ~~2. if applicable, jurisdiction; and~~

27 ~~3. budget program and subdivision;~~

28 ~~(ii) the performance indicators and progress toward achieving the~~  
29 ~~goals and objectives developed under item (1) of this subsection; and~~

30 ~~(iii) the recommended appropriations from the Fund identified in~~  
31 ~~accordance with item (2) of this subsection.~~

1 ~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

2 ~~(a) The Maryland Department of Health shall study whether and how funding~~  
3 ~~from the Opioid Restitution Fund can be used to provide training and resources to hospitals~~  
4 ~~to implement Section 1 of this Act, including a recommended funding amount.~~

5 ~~(b) On or before January 1, 2025, the Department shall report its findings and~~  
6 ~~recommendations to the Senate Finance Committee and House Health and Government~~  
7 ~~Operations Committee, in accordance with § 2-1257 of the State Government Article.~~

8 ~~SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take~~  
9 ~~effect January 1, 2025.~~

10 SECTION ~~2,~~ 4 2. AND BE IT FURTHER ENACTED, That, ~~except as provided in~~  
11 ~~Section 3 of this Act,~~ this Act shall take effect ~~October 1, 2024~~ January 1, 2025.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

\_\_\_\_\_  
Speaker of the House of Delegates.