

HOUSE BILL 361

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2002 Regular Session
(2r0705)

ENROLLED BILL

-- Environmental Matters/Education, Health, and Environmental Affairs --

Introduced by **Delegate Hubbard**

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.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Department of Health and Mental Hygiene - Biological Agents Registry**
3 **Program**

4 FOR the purpose of establishing a program in the Department of Health and Mental
5 Hygiene for the registration of biological agents; requiring the Department to
6 administer the program; providing for the contents of the biological agents
7 registry; requiring the Department to adopt certain regulations; requiring
8 certain persons to report certain information to the Department for inclusion in
9 the biological agents registry; providing for an exemption for certain biological
10 agents and laboratories from inclusion in the biological agents registry;
11 providing that certain information contained within the biological agents
12 registry shall be confidential and is not subject to the public information law;
13 providing for certain penalties; and generally relating to the establishment of a
14 biological agents registry in the Department of Health and Mental Hygiene.

15 BY adding to
16 Article - Health - General

1 Section 17-601 through 17-605, inclusive, to be under the new subtitle "Subtitle
2 6. Biological Agents Registry Program"
3 Annotated Code of Maryland
4 (2000 Replacement Volume and 2001 Supplement)

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

7 **Article - Health - General**

8 **SUBTITLE 6. BIOLOGICAL AGENTS REGISTRY PROGRAM.**

9 17-601.

10 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

12 (B) "BIOLOGICAL AGENT" MEANS:

13 (1) ANY SELECT AGENT THAT IS A MICROORGANISM, VIRUS,
14 BACTERIUM, FUNGUS, RICKETTSIA, OR TOXIN LISTED IN TITLE 42, PART 72, APPENDIX
15 A OF THE CODE OF FEDERAL REGULATIONS;

16 (2) ANY GENETICALLY MODIFIED MICROORGANISMS OR GENETIC
17 ELEMENTS FROM AN ORGANISM LISTED IN TITLE 42, PART 72, APPENDIX A OF THE
18 CODE OF FEDERAL REGULATIONS, SHOWN TO PRODUCE OR ENCODE FOR A FACTOR
19 ASSOCIATED WITH A DISEASE; OR

20 (3) ANY GENETICALLY MODIFIED MICROORGANISMS OR GENETIC
21 ELEMENTS THAT CONTAIN NUCLEIC ACID SEQUENCES CODING FOR ANY OF THE
22 TOXINS LISTED IN TITLE 42, PART 72, APPENDIX A OF THE CODE OF FEDERAL
23 REGULATIONS, OR THEIR TOXIC SUBMITTS.

24 (C) "PROGRAM" MEANS THE BIOLOGICAL AGENTS REGISTRY PROGRAM.

25 17-602.

26 (A) THERE IS A BIOLOGICAL AGENTS REGISTRY PROGRAM IN THE
27 DEPARTMENT.

28 (B) THE BIOLOGICAL AGENTS REGISTRY SHALL:

29 (1) IDENTIFY THE BIOLOGICAL AGENTS POSSESSED AND MAINTAINED
30 BY ANY PERSON IN THIS STATE; AND

31 (2) CONTAIN OTHER INFORMATION AS REQUIRED BY REGULATIONS
32 ADOPTED BY THE DEPARTMENT.

33 (C) THE DEPARTMENT SHALL ADOPT REGULATIONS FOR THE
34 IMPLEMENTATION OF THE PROGRAM THAT:

1 (1) DETERMINE AND LIST THE BIOLOGICAL AGENTS REQUIRED TO BE
2 REPORTED UNDER THIS SUBTITLE;

3 (2) DESIGNATE THE PERSONS REQUIRED TO MAKE REPORTS AND THE
4 SPECIFIC INFORMATION REQUIRED TO BE REPORTED;

5 (3) DESIGNATE TIME LIMITS FOR REPORTING, THE FORM OF REPORTS,
6 AND THE PERSONS TO WHOM REPORTS ARE TO BE SUBMITTED;

7 (4) PROVIDE FOR THE RELEASE OF INFORMATION IN THE BIOLOGICAL
8 AGENTS REGISTRY TO STATE AND FEDERAL LAW ENFORCEMENT AGENCIES AND THE
9 CENTERS FOR DISEASE CONTROL AND PREVENTION PURSUANT TO A
10 COMMUNICABLE DISEASE INVESTIGATION COMMENCED OR CONDUCTED BY THE
11 DEPARTMENT OR OTHER STATE OR FEDERAL LAW ENFORCEMENT AGENCY HAVING
12 INVESTIGATORY AUTHORITY, OR IN CONNECTION WITH ANY INVESTIGATION
13 INVOLVING RELEASE, THEFT, OR LOSS OF BIOLOGICAL AGENTS;

14 (5) ESTABLISH A SYSTEM OF SAFEGUARDS THAT REQUIRES PERSONS
15 POSSESSING ~~AND MAINTAINING~~, *MAINTAINING, AND TRANSFERRING* BIOLOGICAL
16 AGENTS SUBJECT TO THIS SUBTITLE TO COMPLY WITH THE SAME FEDERAL
17 STANDARDS THAT APPLY TO PERSONS REGISTERED TO ~~POSSESS~~ *TRANSFER* THE
18 SAME AGENTS UNDER FEDERAL LAW; AND

19 (6) ESTABLISH A PROCESS FOR PERSONS THAT POSSESS AND MAINTAIN
20 BIOLOGICAL AGENTS TO ALERT APPROPRIATE AUTHORITIES OF UNAUTHORIZED
21 POSSESSION OR ATTEMPTED POSSESSION OF BIOLOGICAL AGENTS.

22 17-603.

23 (A) ~~EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION~~, ANY PERSON
24 THAT POSSESSES AND MAINTAINS ANY BIOLOGICAL AGENT SHALL REPORT TO THE
25 DEPARTMENT THE INFORMATION REQUIRED BY THE DEPARTMENT FOR INCLUSION
26 IN THE BIOLOGICAL AGENT REGISTRY.

27 (B) SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO A BIOLOGICAL
28 AGENT OR A CERTIFIED LABORATORY OR FACILITY THAT IS EXEMPT FROM THE
29 REQUIREMENTS FOR THE INTERSTATE SHIPMENT OF ETIOLOGIC AGENTS UNDER
30 TITLE 42, PART 72.6(H) OR PART 72, APPENDIX A OF THE CODE OF FEDERAL
31 REGULATIONS.

32 17-604.

33 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, INFORMATION
34 PREPARED FOR OR MAINTAINED IN THE BIOLOGICAL AGENTS REGISTRY SHALL BE
35 CONFIDENTIAL AND IS NOT SUBJECT TO TITLE 10, SUBTITLE 6 OF THE STATE
36 GOVERNMENT ARTICLE.

37 (B) RELEASE OF INFORMATION FROM THE REGISTRY AS AUTHORIZED BY
38 REGULATIONS ADOPTED UNDER § 17-602(C)(4) OF THIS SUBTITLE SHALL NOT
39 RENDER THE INFORMATION RELEASED A PUBLIC RECORD.

1 17-605.

2 (A) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY
3 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
4 \$100 FOR THE FIRST OFFENSE AND NOT EXCEEDING \$500 FOR EACH SUBSEQUENT
5 CONVICTION FOR A VIOLATION OF THE SAME PROVISION.

6 (B) EACH DAY A VIOLATION IS CONTINUED AFTER THE FIRST CONVICTION IS
7 A SUBSEQUENT OFFENSE.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2002.