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By: **Delegate Hubbard**

Introduced and read first time: January 25, 2002

Assigned to: Environmental Matters

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A BILL ENTITLED

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 that certain information contained  
10 within the biological agents registry shall be confidential and is not subject to  
11 the public information law; providing for certain penalties; and generally  
12 relating to the establishment of a biological agents registry in the Department of  
13 Health and Mental Hygiene.

14 BY adding to  
15 Article - Health - General  
16 Section 17-601 through 17-605, inclusive, to be under the new subtitle "Subtitle  
17 6. Biological Agents Registry Program"  
18 Annotated Code of Maryland  
19 (2000 Replacement Volume and 2001 Supplement)

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

22 **Article - Health - General**

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

24 17-601.

25 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
26 INDICATED.

27 (B) "BIOLOGICAL AGENT" MEANS:

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

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

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

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

13 17-602.

14 (A) THERE IS A BIOLOGICAL AGENTS REGISTRY PROGRAM IN THE  
15 DEPARTMENT.

16 (B) THE BIOLOGICAL AGENTS REGISTRY SHALL:

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

19 (2) CONTAIN OTHER INFORMATION AS REQUIRED BY REGULATIONS  
20 ADOPTED BY THE DEPARTMENT.

21 (C) THE DEPARTMENT SHALL ADOPT REGULATIONS FOR THE  
22 IMPLEMENTATION OF THE PROGRAM THAT:

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

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

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

29 (4) PROVIDE FOR THE RELEASE OF INFORMATION IN THE BIOLOGICAL  
30 AGENTS REGISTRY TO STATE AND FEDERAL LAW ENFORCEMENT AGENCIES AND THE  
31 CENTERS FOR DISEASE CONTROL AND PREVENTION PURSUANT TO A  
32 COMMUNICABLE DISEASE INVESTIGATION COMMENCED OR CONDUCTED BY THE  
33 DEPARTMENT OR OTHER STATE OR FEDERAL LAW ENFORCEMENT AGENCY HAVING  
34 INVESTIGATORY AUTHORITY, OR IN CONNECTION WITH ANY INVESTIGATION  
35 INVOLVING RELEASE, THEFT, OR LOSS OF BIOLOGICAL AGENTS;

1 (5) ESTABLISH A SYSTEM OF SAFEGUARDS THAT REQUIRES PERSONS  
2 POSSESSING AND MAINTAINING BIOLOGICAL AGENTS SUBJECT TO THIS SUBTITLE  
3 TO COMPLY WITH THE SAME FEDERAL STANDARDS THAT APPLY TO PERSONS  
4 REGISTERED TO POSSESS THE SAME AGENTS UNDER FEDERAL LAW; AND

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

8 17-603.

9 ANY PERSON THAT POSSESSES AND MAINTAINS ANY BIOLOGICAL AGENT  
10 SHALL REPORT TO THE DEPARTMENT THE INFORMATION REQUIRED BY THE  
11 DEPARTMENT FOR INCLUSION IN THE BIOLOGICAL AGENT REGISTRY.

12 17-604.

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

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

20 17-605.

21 (A) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY  
22 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING  
23 \$100 FOR THE FIRST OFFENSE AND NOT EXCEEDING \$500 FOR EACH SUBSEQUENT  
24 CONVICTION FOR A VIOLATION OF THE SAME PROVISION.

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

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