

---

By: **Delegate Hubbard**

Introduced and read first time: January 25, 2002

Assigned to: Environmental Matters

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2002

---

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  
17 Section 17-601 through 17-605, inclusive, to be under the new subtitle "Subtitle  
18 6. Biological Agents Registry Program"  
19 Annotated Code of Maryland  
20 (2000 Replacement Volume and 2001 Supplement)

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

1 **Article - Health - General**

## 2 SUBTITLE 6. BIOLOGICAL AGENTS REGISTRY PROGRAM.

3 17-601.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
5 INDICATED.

6 (B) "BIOLOGICAL AGENT" MEANS:

7 (1) ANY SELECT AGENT THAT IS A MICROORGANISM, VIRUS,  
8 BACTERIUM, FUNGUS, RICKETTSIA, OR TOXIN LISTED IN TITLE 42, PART 72, APPENDIX  
9 A OF THE CODE OF FEDERAL REGULATIONS;10 (2) ANY GENETICALLY MODIFIED MICROORGANISMS OR GENETIC  
11 ELEMENTS FROM AN ORGANISM LISTED IN TITLE 42, PART 72, APPENDIX A OF THE  
12 CODE OF FEDERAL REGULATIONS, SHOWN TO PRODUCE OR ENCODE FOR A FACTOR  
13 ASSOCIATED WITH A DISEASE; OR14 (3) ANY GENETICALLY MODIFIED MICROORGANISMS OR GENETIC  
15 ELEMENTS THAT CONTAIN NUCLEIC ACID SEQUENCES CODING FOR ANY OF THE  
16 TOXINS LISTED IN TITLE 42, PART 72, APPENDIX A OF THE CODE OF FEDERAL  
17 REGULATIONS, OR THEIR TOXIC SUBMITTS.

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

19 17-602.

20 (A) THERE IS A BIOLOGICAL AGENTS REGISTRY PROGRAM IN THE  
21 DEPARTMENT.

22 (B) THE BIOLOGICAL AGENTS REGISTRY SHALL:

23 (1) IDENTIFY THE BIOLOGICAL AGENTS POSSESSED AND MAINTAINED  
24 BY ANY PERSON IN THIS STATE; AND25 (2) CONTAIN OTHER INFORMATION AS REQUIRED BY REGULATIONS  
26 ADOPTED BY THE DEPARTMENT.27 (C) THE DEPARTMENT SHALL ADOPT REGULATIONS FOR THE  
28 IMPLEMENTATION OF THE PROGRAM THAT:29 (1) DETERMINE AND LIST THE BIOLOGICAL AGENTS REQUIRED TO BE  
30 REPORTED UNDER THIS SUBTITLE;31 (2) DESIGNATE THE PERSONS REQUIRED TO MAKE REPORTS AND THE  
32 SPECIFIC INFORMATION REQUIRED TO BE REPORTED;33 (3) DESIGNATE TIME LIMITS FOR REPORTING, THE FORM OF REPORTS,  
34 AND THE PERSONS TO WHOM REPORTS ARE TO BE SUBMITTED;

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

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

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

15 17-603.

16 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ANY PERSON  
17 THAT POSSESSES AND MAINTAINS ANY BIOLOGICAL AGENT SHALL REPORT TO THE  
18 DEPARTMENT THE INFORMATION REQUIRED BY THE DEPARTMENT FOR INCLUSION  
19 IN THE BIOLOGICAL AGENT REGISTRY.

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

25 17-604.

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

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

33 17-605.

34 (A) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY  
35 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING  
36 \$100 FOR THE FIRST OFFENSE AND NOT EXCEEDING \$500 FOR EACH SUBSEQUENT  
37 CONVICTION FOR A VIOLATION OF THE SAME PROVISION.

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

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