

**ENROLLED BILL**

-- Health and Government Operations/Education, Health, and Environmental Affairs --

Introduced by **Delegates Nathan-Pulliam, Benson, Bromwell, Costa, Goldwater, Gutierrez, Haynes, Kullen, Murray, Oaks, Petzold, and Pugh Pugh, and Conroy**

Read and Examined by Proofreaders:

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Proofreader.

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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 - Disease Prevention Public**  
3 **Awareness and Outreach - Hepatitis C Advisory Council Virus and Organ,**  
4 **Tissue, and Eye Donation**

5 FOR the purpose of ~~establishing a State Advisory Council on Hepatitis C to review,~~  
6 ~~recommend changes to, and solicit funds to implement a certain hepatitis C~~  
7 ~~prevention plan; requiring the Advisory Council to coordinate hepatitis C~~  
8 ~~initiatives in certain State agencies and review and recommend changes to~~  
9 ~~certain hepatitis C initiatives; specifying the membership, terms, removal,~~  
10 ~~chair, and purpose of the Advisory Council; requiring the Advisory Council to~~  
11 ~~issue certain reports on or before certain dates; requiring the Secretary of~~  
12 ~~Health and Mental Hygiene to take certain actions in connection with the~~  
13 ~~Hepatitis C Advisory Council; defining certain terms; providing for the~~  
14 ~~termination of this Act; and generally relating to the Hepatitis C Advisory~~  
15 ~~Council~~ requiring the Department of Health and Mental Hygiene to conduct a

1 certain needs assessment, initiate a certain public awareness campaign, and  
 2 coordinate with certain units of State government to activate a certain hepatitis  
 3 C virus plan; requiring the Department to solicit certain funding for hepatitis C  
 4 virus outreach; requiring the Department to provide funding for certain pilot  
 5 programs if funds are available; requiring the Department to review and  
 6 recommend certain hepatitis C virus initiatives; requiring the Department to  
 7 assess the feasibility of creating a hepatitis C virus administration in the  
 8 Department and to examine ways to maximize existing resources to raise  
 9 hepatitis C virus awareness; requiring the Department to implement a certain  
 10 report as funds are available; requiring the Department to implement certain  
 11 provisions of this Act as funds are available; requiring the Department to make  
 12 a certain annual report to the Governor and certain committees of the General  
 13 Assembly; repealing certain provisions of law establishing and relating to the  
 14 State Advisory Council on Organ and Tissue Donation Awareness; requiring the  
 15 Secretary of Health and Mental Hygiene to contract with a certain third party to  
 16 promote public education and awareness about organ, tissue, and eye donations;  
 17 providing for the termination of certain provisions of this Act; and generally  
 18 relating to the Department of Health and Mental Hygiene and public awareness  
 19 and outreach regarding the hepatitis C virus and organ, tissue, and eye  
 20 donations.

21 BY repealing  
 22 Article - Health - General  
 23 Section 13-901 through 13-905  
 24 Annotated Code of Maryland  
 25 (2005 Replacement Volume and 2005 Supplement)

26 BY adding to  
 27 Article - Health - General  
 28 Section 18-1001 ~~through 18-1009, inclusive,~~ and 18-1002 to be under the new  
 29 subtitle "Subtitle 10. Hepatitis C ~~Advisory Council~~ Virus"  
 30 Annotated Code of Maryland  
 31 (2005 Replacement Volume and 2005 Supplement)

32 BY repealing and reenacting, with amendments,  
 33 Article - Health - General  
 34 Section 13-906  
 35 Annotated Code of Maryland  
 36 (2005 Replacement Volume and 2005 Supplement)

37 Preamble

38 WHEREAS, Hepatitis C is a silent killer, being largely asymptomatic until  
 39 irreversible liver damage may have occurred; and

1 WHEREAS, Hepatitis C has been characterized by the World Health  
2 Organization as a disease of primary concern to humanity; and

3 WHEREAS, Hepatitis C currently infects approximately 4.5 million persons in  
4 the United States, and each year there are some 30,000 new infections nationwide;  
5 and

6 WHEREAS, The federal Centers for Disease Control and Prevention estimate  
7 that approximately 12,000 persons die annually from the consequences of hepatitis C,  
8 and this number continues to grow each year; and

9 WHEREAS, The disease is considered to be such a public health threat that the  
10 United States Department of Health and Human Services has initiated a  
11 comprehensive plan to address this significant health problem, beginning with the  
12 identification of, and notification to, hundreds of thousands of persons who are  
13 inadvertently exposed to hepatitis C through blood transfusions; and

14 WHEREAS, In the absence of a vaccine for hepatitis C, emphasis must be placed  
15 on other means of awareness and prevention of this disease, including, but not limited  
16 to, education of persons at high risk for hepatitis C as defined by the federal Centers  
17 for Disease Control and Prevention, as well as police officers, firefighters, health care  
18 workers, and the general public; and

19 WHEREAS, Educating the public and health care community throughout the  
20 State about hepatitis C will ensure an optimal approach to controlling this lethal  
21 disease; now, therefore,

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That Section(s) 13-901 through 13-905 of Article - Health - General of  
24 the Annotated Code of Maryland be repealed.

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

27 **Article - Health - General**

28 **SUBTITLE 10. HEPATITIS C ADVISORY COUNCIL VIRUS.**

29 18-1001.

30 AS FUNDS ARE AVAILABLE, THE DEPARTMENT SHALL:

31 (1) CONDUCT A NEEDS ASSESSMENT TO DETERMINE THE INCIDENCE OF  
32 THE HEPATITIS C VIRUS IN THE STATE;

33 (2) INITIATE A STATEWIDE PUBLIC AWARENESS CAMPAIGN TARGETING  
34 VULNERABLE POPULATIONS AND HEALTH CARE PROVIDERS IN THE STATE TO URGE  
35 HEPATITIS C VIRUS EDUCATION AND TESTING;

1           (3)     COORDINATE WITH OTHER UNITS OF STATE GOVERNMENT,  
2 INCLUDING THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES  
3 AND THE VETERANS' ADMINISTRATION, TO ACTIVATE A HEPATITIS C VIRUS PLAN  
4 FOR THE EDUCATION, TESTING, AND TREATMENT OF THE POPULATIONS WITHIN THE  
5 JURISDICTION OF THE UNITS;

6           (4)     SOLICIT FUNDING FROM THE PRIVATE SECTOR AND UNITS OF  
7 FEDERAL, STATE, AND LOCAL GOVERNMENT FOR HEPATITIS C VIRUS OUTREACH;

8           (5)     ~~IF FUNDS ARE AVAILABLE,~~ PROVIDE FUNDING FOR HEPATITIS C  
9 VIRUS PILOT PROGRAMS, WHICH MAY INCLUDE PROGRAMS IN METHADONE CLINICS  
10 OR PROGRAMS FOR THE DEPARTMENT OF CORRECTIONAL SERVICES POPULATION;

11          (6)     REVIEW AND RECOMMEND INITIATIVES TO PROMOTE ADVOCACY,  
12 EDUCATION, PHYSICIAN OUTREACH, AND AWARENESS OF THE HEPATITIS C VIRUS;

13          (7)     ASSESS THE FEASIBILITY OF CREATING A HEPATITIS C VIRUS  
14 ADMINISTRATION IN THE DEPARTMENT AND EXAMINE METHODS TO MAXIMIZE  
15 EXISTING RESOURCES TO RAISE AWARENESS OF THE HEPATITIS C VIRUS; AND

16          (8)     IMPLEMENT THE 2005 REPORT OF THE HEPATITIS C ADVISORY  
17 COUNCIL, AS FUNDS ARE AVAILABLE.

18 18-1002.

19     ON OR BEFORE DECEMBER 1, 2006, AND ANNUALLY THEREAFTER, THE  
20 DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §  
21 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH,  
22 AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE HEALTH AND  
23 GOVERNMENT OPERATIONS COMMITTEE ON THE ACTIVITIES OF THE DEPARTMENT  
24 IN IMPLEMENTING § 18-1001 OF THIS SUBTITLE.

25     ~~THERE IS A STATE ADVISORY COUNCIL ON HEPATITIS C.~~

26 ~~18-1002.~~

27     ~~(A)     IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~  
28 ~~INDICATED:~~

29     ~~(B)     "ADVISORY COUNCIL" MEANS THE STATE ADVISORY COUNCIL ON~~  
30 ~~HEPATITIS C.~~

31     ~~(C)     "HCV" MEANS THE HEPATITIS C VIRUS.~~

32     ~~(D)     "SECRETARY" MEANS THE SECRETARY OF HEALTH AND MENTAL~~  
33 ~~HYGIENE.~~

34 ~~18-1003.~~

35     ~~(A)     (1)     THE ADVISORY COUNCIL CONSISTS OF 16 MEMBERS.~~

1           (2)     ~~OF THE 16 MEMBERS:~~

2                   (I)     ~~ONE SHALL BE A MEMBER OF THE SENATE OF MARYLAND,~~  
3 ~~APPOINTED BY THE PRESIDENT OF THE SENATE;~~

4                   (II)    ~~ONE SHALL BE A MEMBER OF THE HOUSE OF DELEGATES,~~  
5 ~~APPOINTED BY THE SPEAKER OF THE HOUSE;~~

6                   (III)   ~~ONE SHALL BE THE SECRETARY OF HEALTH AND MENTAL~~  
7 ~~HYGIENE OR THE SECRETARY'S DESIGNEE;~~

8                   (IV)   ~~ONE SHALL BE THE SECRETARY OF VETERANS AFFAIRS OR THE~~  
9 ~~SECRETARY'S DESIGNEE;~~

10                  (V)     ~~ONE SHALL BE THE SECRETARY OF PUBLIC SAFETY AND~~  
11 ~~CORRECTIONAL SERVICES OR THE SECRETARY'S DESIGNEE; AND~~

12                  (VI)    ~~ELEVEN SHALL BE APPOINTED BY THE GOVERNOR.~~

13           (3)     ~~OF THE 11 MEMBERS APPOINTED BY THE GOVERNOR:~~

14                   (I)     ~~ONE SHALL BE AN INTERNIST;~~

15                   (II)    ~~ONE SHALL BE A HEMATOLOGIST, A HEPATOLOGIST, OR AN~~  
16 ~~INFECTIOUS DISEASE SPECIALIST;~~

17                   (III)   ~~ONE SHALL BE A CLINICAL RESEARCHER SPECIALIZING IN~~  
18 ~~DISEASES OF THE LIVER OR A REPRESENTATIVE FROM A RESEARCH HOSPITAL WHO~~  
19 ~~SPECIALIZES IN LIVER DISEASE;~~

20                   (IV)    ~~ONE SHALL BE AN EMERGENCY MEDICAL SERVICES WORKER;~~

21                   (V)     ~~ONE SHALL BE A MEMBER OF THE PUBLIC WHO HAS HEPATITIS~~  
22 ~~C OR IS A PATIENT ADVOCATE;~~

23                   (VI)    ~~ONE SHALL BE A VETERAN OF THE UNITED STATES ARMED~~  
24 ~~FORCES WHO HAS HEPATITIS C;~~

25                   (VII)   ~~TWO SHALL BE REPRESENTATIVES OF THE PHARMACEUTICAL~~  
26 ~~INDUSTRY;~~

27                   (VIII)   ~~ONE SHALL BE A NURSE PRACTITIONER OR AN EMERGENCY~~  
28 ~~DEPARTMENT NURSE;~~

29                   (IX)    ~~ONE SHALL BE A REPRESENTATIVE OF THE AMERICAN LIVER~~  
30 ~~FOUNDATION; AND~~

31                   (X)     ~~ONE SHALL BE A REPRESENTATIVE OF THE BALTIMORE CITY~~  
32 ~~HEALTH DEPARTMENT.~~

33   (B)    (1)     ~~THE TERM OF A MEMBER IS 3 YEARS.~~

1           (2)     ~~AT THE END OF A TERM A MEMBER CONTINUES TO SERVE UNTIL A~~  
2 ~~SUCCESSOR IS APPOINTED.~~

3           (3)     ~~A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES~~  
4 ~~ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED.~~

5           (C)     ~~THE GOVERNOR MAY REMOVE A MEMBER OF THE ADVISORY COUNCIL FOR~~  
6 ~~INCOMPETENCE OR MISCONDUCT.~~

7 ~~48-1004.~~

8           ~~FROM AMONG THE MEMBERS OF THE ADVISORY COUNCIL THE GOVERNOR~~  
9 ~~SHALL APPOINT A CHAIR.~~

10 ~~48-1005.~~

11          (A)     ~~A MAJORITY OF THE MEMBERS SERVING ON THE ADVISORY COUNCIL~~  
12 ~~REPRESENTS A QUORUM TO CONDUCT BUSINESS.~~

13          (B)     ~~A MEMBER OF THE ADVISORY COUNCIL:~~

14                 (1)     ~~MAY NOT RECEIVE COMPENSATION; BUT~~

15                 (2)     ~~IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE~~  
16 ~~STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.~~

17          (C)     ~~THE ADVISORY COUNCIL SHALL MEET AT LEAST FOUR TIMES A YEAR, AT~~  
18 ~~THE TIMES AND PLACES THAT IT DETERMINES.~~

19 ~~48-1006.~~

20          ~~THE PURPOSE OF THE ADVISORY COUNCIL SHALL BE TO:~~

21                 (1)     ~~REVIEW AND RECOMMEND CHANGES TO THE "MARYLAND HEPATITIS~~  
22 ~~C PREVENTION AND CONTROL PLAN";~~

23                 (2)     ~~SOLICIT ANY FUNDS OR GRANTS FROM ANY FEDERAL, LOCAL,~~  
24 ~~PRIVATE, OR OTHER SOURCE TO IMPLEMENT THE "MARYLAND HEPATITIS C~~  
25 ~~PREVENTION AND CONTROL PLAN";~~

26                 (3)     ~~COORDINATE HEPATITIS C INITIATIVES IN THE DEPARTMENT, THE~~  
27 ~~DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, AND THE DEPARTMENT OF~~  
28 ~~VETERANS AFFAIRS; AND~~

29                 (4)     ~~REVIEW AND RECOMMEND INITIATIVES TO PROMOTE PATIENT~~  
30 ~~ADVOCACY AND EDUCATION, PHYSICIAN OUTREACH, AND AWARENESS OF HCV.~~

31 ~~48-1007.~~

32          ~~ON OR BEFORE SEPTEMBER 1, 2007, AND ANNUALLY THEREAFTER, THE~~  
33 ~~ADVISORY COUNCIL SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH~~

~~1 § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION,  
2 HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, AND THE HOUSE HEALTH  
3 AND GOVERNMENT OPERATIONS COMMITTEE, ON:~~

~~4 (1) THE ADVISORY COUNCIL'S RECOMMENDATIONS; AND~~

~~5 (2) THE COORDINATION OF HEPATITIS C INITIATIVES IN THE VARIOUS  
6 STATE AGENCIES.~~

~~7 48-1008.~~

~~8 THE SECRETARY SHALL DESIGNATE THE STAFF NECESSARY TO ASSIST THE  
9 ADVISORY COUNCIL IN CARRYING OUT ITS FUNCTIONS AS PROVIDED UNDER THIS  
10 SUBTITLE.~~

~~11 48-1009.~~

~~12 (A) THE COUNCIL SHALL BE FUNDED AS PROVIDED IN THE STATE BUDGET.~~

~~13 (B) THE FUNDING PROVIDED IN THE STATE BUDGET FOR THE COUNCIL IS  
14 INTENDED TO COMPLEMENT FUNDING RECEIVED FROM ANY OTHER LAWFUL  
15 SOURCE.~~

~~16 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
17 read as follows:~~

~~18 Article - Health - General~~

~~19 [13-906.] 13-901.~~

~~20 (a) (1) There is an Organ and Tissue Donation Awareness Fund.~~

~~21 (2) The Fund consists of moneys collected under § 16-111.1(f) of the  
22 Transportation Article.~~

~~23 (3) The Fund is a special, continuing, nonlapsing fund that is not subject  
24 to § 7-302 of the State Finance and Procurement Article.~~

~~25 (4) The Treasurer shall separately hold and the Comptroller shall  
26 account for the Fund.~~

~~27 (5) The Fund shall be invested and reinvested in the same manner as  
28 other State funds.~~

~~29 (6) Any investment earnings shall be retained to the credit of the Fund.~~

~~30 (b) (1) The Fund shall be managed and supervised by the Secretary or the  
31 Secretary's designee], with advice from the Advisory Council].~~

~~32 (2) The Fund shall be used to promote public education and awareness  
33 about organ, tissue, and eye donations.~~

1           (3)     THE SECRETARY SHALL CONTRACT WITH A QUALIFIED,  
2 INDEPENDENT, NONPROFIT THIRD PARTY TO PROMOTE PUBLIC EDUCATION AND  
3 AWARENESS ABOUT ORGAN, TISSUE, AND EYE DONATIONS.

4           ~~[(3)]~~ (4)     The Fund shall be subject to audit by the Office of Legislative  
5 Audits under Title 2, Subtitle 12 of the State Government Article.

6     SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take  
7 effect ~~October~~ July 1, 2006. ~~It~~ Section 2 of this Act shall remain effective for a period  
8 of 3 years and 6 months and, at the end of ~~September 30~~ December 31, 2009, with no  
9 further action required by the General Assembly, Section 2 of this Act shall be  
10 abrogated and of no further force and effect.