
By: **Delegates Nathan-Pulliam, Benson, Bromwell, Costa, Goldwater, Gutierrez, Haynes, Kullen, Murray, Oaks, Petzold, ~~and Pugh~~ Pugh, and Conroy**

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Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 22, 2006

CHAPTER _____

1 AN ACT concerning

2 **Department of Health and Mental Hygiene - Disease Prevention - Hepatitis**
3 **C Advisory Council Virus**

4 FOR the purpose of ~~establishing a State Advisory Council on Hepatitis C to review,~~
5 ~~recommend changes to, and solicit funds to implement a certain hepatitis C~~
6 ~~prevention plan; requiring the Advisory Council to coordinate hepatitis C~~
7 ~~initiatives in certain State agencies and review and recommend changes to~~
8 ~~certain hepatitis C initiatives; specifying the membership, terms, removal,~~
9 ~~chair, and purpose of the Advisory Council; requiring the Advisory Council to~~
10 ~~issue certain reports on or before certain dates; requiring the Secretary of~~
11 ~~Health and Mental Hygiene to take certain actions in connection with the~~
12 ~~Hepatitis C Advisory Council; defining certain terms; providing for the~~
13 ~~termination of this Act; and generally relating to the Hepatitis C Advisory~~
14 ~~Council~~ requiring the Department of Health and Mental Hygiene to conduct a
15 certain needs assessment, initiate a certain public awareness campaign, and
16 coordinate with certain units of State government to activate a certain hepatitis
17 C virus plan; requiring the Department to solicit certain funding for hepatitis C
18 virus outreach; requiring the Department to provide funding for certain pilot
19 programs if funds are available; requiring the Department to review and
20 recommend certain hepatitis C virus initiatives; requiring the Department to
21 assess the feasibility of creating a hepatitis C virus administration in the
22 Department and to examine ways to maximize existing resources to raise
23 hepatitis C virus awareness; requiring the Department to implement a certain
24 report as funds are available; requiring the Department to make a certain
25 annual report to the Governor and certain committees of the General Assembly;
26 providing for the termination of this Act; and generally relating to the

1 Department of Health and Mental Hygiene and the hepatitis C virus.

2 BY adding to

3 Article - Health - General

4 Section 18-1001 ~~through 18-1009, inclusive, and 18-1002~~ to be under the new
5 subtitle "Subtitle 10. Hepatitis C ~~Advisory Council~~ Virus"

6 Annotated Code of Maryland

7 (2005 Replacement Volume and 2005 Supplement)

8 Preamble

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

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

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

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

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

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

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

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

1 **Article - Health - General**2 **SUBTITLE 10. HEPATITIS C ~~ADVISORY COUNCIL~~ VIRUS.**

3 18-1001.

4 **THE DEPARTMENT SHALL:**5 (1) **CONDUCT A NEEDS ASSESSMENT TO DETERMINE THE INCIDENCE OF**
6 **THE HEPATITIS C VIRUS IN THE STATE;**7 (2) **INITIATE A STATEWIDE PUBLIC AWARENESS CAMPAIGN TARGETING**
8 **VULNERABLE POPULATIONS AND HEALTH CARE PROVIDERS IN THE STATE TO URGE**
9 **HEPATITIS C VIRUS EDUCATION AND TESTING;**10 (3) **COORDINATE WITH OTHER UNITS OF STATE GOVERNMENT,**
11 **INCLUDING THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES**
12 **AND THE VETERANS' ADMINISTRATION, TO ACTIVATE A HEPATITIS C VIRUS PLAN**
13 **FOR THE EDUCATION, TESTING, AND TREATMENT OF THE POPULATIONS WITHIN THE**
14 **JURISDICTION OF THE UNITS;**15 (4) **SOLICIT FUNDING FROM THE PRIVATE SECTOR AND UNITS OF**
16 **FEDERAL, STATE, AND LOCAL GOVERNMENT FOR HEPATITIS C VIRUS OUTREACH;**17 (5) **IF FUNDS ARE AVAILABLE, PROVIDE FUNDING FOR HEPATITIS C**
18 **VIRUS PILOT PROGRAMS, WHICH MAY INCLUDE PROGRAMS IN METHADONE CLINICS**
19 **OR PROGRAMS FOR THE DEPARTMENT OF CORRECTIONAL SERVICES POPULATION;**20 (6) **REVIEW AND RECOMMEND INITIATIVES TO PROMOTE ADVOCACY,**
21 **EDUCATION, PHYSICIAN OUTREACH, AND AWARENESS OF THE HEPATITIS C VIRUS;**22 (7) **ASSESS THE FEASIBILITY OF CREATING A HEPATITIS C VIRUS**
23 **ADMINISTRATION IN THE DEPARTMENT AND EXAMINE METHODS TO MAXIMIZE**
24 **EXISTING RESOURCES TO RAISE AWARENESS OF THE HEPATITIS C VIRUS; AND**25 (8) **IMPLEMENT THE 2005 REPORT OF THE HEPATITIS C ADVISORY**
26 **COUNCIL, AS FUNDS ARE AVAILABLE.**27 18-1002.28 **ON OR BEFORE DECEMBER 1, 2006, AND ANNUALLY THEREAFTER, THE**
29 **DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §**
30 **2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH,**
31 **AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE HEALTH AND**
32 **GOVERNMENT OPERATIONS COMMITTEE ON THE ACTIVITIES OF THE DEPARTMENT**
33 **IN IMPLEMENTING § 18-1001 OF THIS SUBTITLE.**34 **THERE IS A STATE ADVISORY COUNCIL ON HEPATITIS C.**

1 ~~48-1002.~~

2 (A) ~~IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~
3 ~~INDICATED.~~

4 (B) ~~"ADVISORY COUNCIL" MEANS THE STATE ADVISORY COUNCIL ON~~
5 ~~HEPATITIS C.~~

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

7 (D) ~~"SECRETARY" MEANS THE SECRETARY OF HEALTH AND MENTAL~~
8 ~~HYGIENE.~~

9 ~~48-1003.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (VII) TWO SHALL BE REPRESENTATIVES OF THE PHARMACEUTICAL
4 ~~INDUSTRY;~~

5 (VIII) ONE SHALL BE A NURSE PRACTITIONER OR AN EMERGENCY
6 ~~DEPARTMENT NURSE;~~

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

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

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

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

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

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

18 ~~18-1004.~~

19 ~~FROM AMONG THE MEMBERS OF THE ADVISORY COUNCIL THE GOVERNOR~~
20 ~~SHALL APPOINT A CHAIR.~~

21 ~~18-1005.~~

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

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

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

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

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

1 ~~18-1006.~~

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

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

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

8 ~~(3) COORDINATE HEPATITIS C INITIATIVES IN THE DEPARTMENT, THE~~
9 ~~DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, AND THE DEPARTMENT OF~~
10 ~~VETERANS AFFAIRS; AND~~

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

13 ~~18-1007.~~

14 ~~ON OR BEFORE SEPTEMBER 1, 2007, AND ANNUALLY THEREAFTER, THE~~
15 ~~ADVISORY COUNCIL SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH~~
16 ~~§ 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION,~~
17 ~~HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, AND THE HOUSE HEALTH~~
18 ~~AND GOVERNMENT OPERATIONS COMMITTEE, ON:~~

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

20 ~~(2) THE COORDINATION OF HEPATITIS C INITIATIVES IN THE VARIOUS~~
21 ~~STATE AGENCIES.~~

22 ~~18-1008.~~

23 ~~THE SECRETARY SHALL DESIGNATE THE STAFF NECESSARY TO ASSIST THE~~
24 ~~ADVISORY COUNCIL IN CARRYING OUT ITS FUNCTIONS AS PROVIDED UNDER THIS~~
25 ~~SUBTITLE.~~

26 ~~18-1009.~~

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

28 ~~(B) THE FUNDING PROVIDED IN THE STATE BUDGET FOR THE COUNCIL IS~~
29 ~~INTENDED TO COMPLEMENT FUNDING RECEIVED FROM ANY OTHER LAWFUL~~
30 ~~SOURCE.~~

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

