

**ENROLLED BILL**

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

Introduced by **Senators Britt, Brochin, Colburn, Conway, DeGrange, Dyson, Exum, Greenip, Grosfeld, Harris, Hollinger, Kittleman, Pinsky, and Teitelbaum**

Read and Examined by Proofreaders:

\_\_\_\_\_  
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.

\_\_\_\_\_  
President.

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~~

1 coordinate with certain units of State government to activate a certain hepatitis  
2 C virus plan; requiring the Department to solicit certain funding for hepatitis C  
3 virus outreach; requiring the Department to provide funding for certain pilot  
4 programs if funds are available; requiring the Department to review and  
5 recommend certain hepatitis C virus initiatives; requiring the Department to  
6 assess the feasibility of creating a hepatitis C virus administration in the  
7 Department and to examine ways to maximize existing resources to raise  
8 hepatitis C virus awareness; requiring the Department to implement a certain  
9 report as funds are available; requiring the Department to implement certain  
10 provisions of this Act as funds are available; requiring the Department to make  
11 a certain annual report to the Governor and certain committees of the General  
12 Assembly; providing for the termination of this Act; and generally relating to the  
13 Department of Health and Mental Hygiene and the hepatitis C virus.

14 BY adding to

15 Article - Health - General

16 Section 18-1001 through 18-1009, inclusive, and 18-1002 to be under the new

17 subtitle "Subtitle 10. Hepatitis C ~~Advisory Council~~ Virus"

18 Annotated Code of Maryland

19 (2005 Replacement Volume and 2005 Supplement)

20

#### Preamble

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

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

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

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

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

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

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

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

6 **Article - Health - General**

7 **SUBTITLE 10. HEPATITIS C ~~ADVISORY COUNCIL~~ VIRUS.**

8 18-1001.

9 AS FUNDS ARE AVAILABLE, THE DEPARTMENT SHALL:

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

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

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

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

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

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

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

30 (8) IMPLEMENT THE 2005 REPORT OF THE HEPATITIS C ADVISORY  
31 COUNCIL, ~~AS FUNDS ARE AVAILABLE.~~

32 18-1002.

33 ON OR BEFORE DECEMBER 1, 2006, AND ANNUALLY THEREAFTER, THE  
34 DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §  
35 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH,

1 AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE HEALTH AND  
2 GOVERNMENT OPERATIONS COMMITTEE ON THE ACTIVITIES OF THE DEPARTMENT  
3 IN IMPLEMENTING § 18-1001 OF THIS SUBTITLE.

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

5 ~~18-1002.~~

6 (A) ~~IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~  
7 ~~INDICATED.~~

8 (B) ~~"ADVISORY COUNCIL" MEANS THE STATE ADVISORY COUNCIL ON~~  
9 ~~HEPATITIS C.~~

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

11 (D) ~~"SECRETARY" MEANS THE SECRETARY OF HEALTH AND MENTAL~~  
12 ~~HYGIENE.~~

13 ~~18-1003.~~

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

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

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

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

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

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

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

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

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

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

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

1                   (III)    ONE SHALL BE A CLINICAL RESEARCHER SPECIALIZING IN  
2 DISEASES OF THE LIVER OR A REPRESENTATIVE FROM A RESEARCH HOSPITAL WHO  
3 SPECIALIZES IN LIVER DISEASE;

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

5                   (V)     ONE SHALL BE A MEMBER OF THE PUBLIC WHO HAS HEPATITIS  
6 OR IS A PATIENT ADVOCATE;

7                   (VI)   ONE SHALL BE A VETERAN OF THE UNITED STATES ARMED  
8 FORCES WHO HAS HEPATITIS C;

9                   (VII)   TWO SHALL BE REPRESENTATIVES OF THE PHARMACEUTICAL  
10 INDUSTRY;

11                  (VIII)  ONE SHALL BE A NURSE PRACTITIONER OR AN EMERGENCY  
12 DEPARTMENT NURSE;

13                  (IX)   ONE SHALL BE A REPRESENTATIVE OF THE AMERICAN LIVER  
14 FOUNDATION; AND

15                  (X)     ONE SHALL BE A REPRESENTATIVE OF THE BALTIMORE CITY  
16 HEALTH DEPARTMENT.

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

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

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

22    (C)    THE GOVERNOR MAY REMOVE A MEMBER OF THE ADVISORY COUNCIL FOR  
23 INCOMPETENCE OR MISCONDUCT.

24 18-1004.

25    FROM AMONG THE MEMBERS OF THE ADVISORY COUNCIL THE GOVERNOR  
26 SHALL APPOINT A CHAIR.

27 18-1005.

28    (A)    A MAJORITY OF THE MEMBERS SERVING ON THE ADVISORY COUNCIL  
29 REPRESENTS A QUORUM TO CONDUCT BUSINESS.

30    (B)    A MEMBER OF THE ADVISORY COUNCIL:

31                  (1)     MAY NOT RECEIVE COMPENSATION; BUT

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

~~1 (C) THE ADVISORY COUNCIL SHALL MEET AT LEAST FOUR TIMES A YEAR, AT  
2 THE TIMES AND PLACES THAT IT DETERMINES.~~

~~3 18-1006.~~

~~4 THE PURPOSE OF THE ADVISORY COUNCIL SHALL BE TO:~~

~~5 (1) REVIEW AND RECOMMEND CHANGES TO THE "MARYLAND HEPATITIS  
6 C PREVENTION AND CONTROL PLAN";~~

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

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

~~13 (4) REVIEW AND RECOMMEND INITIATIVES TO PROMOTE PATIENT  
14 ADVOCACY AND EDUCATION, PHYSICIAN OUTREACH, AND AWARENESS OF HCV.~~

~~15 18-1007.~~

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

~~21 (1) THE ADVISORY COUNCIL'S RECOMMENDATIONS; AND~~

~~22 (2) THE COORDINATION OF HEPATITIS C INITIATIVES IN THE VARIOUS  
23 STATE AGENCIES.~~

~~24 18-1008.~~

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

~~28 18-1009.~~

~~29 (A) THE COUNCIL SHALL BE FUNDED AS PROVIDED IN THE STATE BUDGET.~~

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

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

1 by the General Assembly, this Act shall be abrogated and of no further force and  
2 effect.