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By: **Senator Exum**

Introduced and read first time: March 6, 2006

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 8, 2006

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 25, 2006

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Government - Public Records - Personal Information About**  
3 **Individuals with Disabilities**

4 FOR the purpose of requiring custodians of public records to deny inspection of the  
5 part of a public record that contains personal information about individuals with  
6 disabilities or individuals perceived to have a disability under certain  
7 circumstances; requiring custodians of public records to redact certain  
8 information; and generally relating to personal information about individuals  
9 with disabilities in a public record.

10 BY repealing and reenacting, without amendments,  
11 Article - State Government  
12 Section 10-617(a)  
13 Annotated Code of Maryland  
14 (2004 Replacement Volume and 2005 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article - State Government  
17 Section 10-617(b)  
18 Annotated Code of Maryland  
19 (2004 Replacement Volume and 2005 Supplement)

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

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**Article - State Government**

2 10-617.

3 (a) Unless otherwise provided by law, a custodian shall deny inspection of a  
4 part of a public record, as provided in this section.

5 (b) (1) IN THIS SUBSECTION, "DISABILITY" HAS THE MEANING STATED IN  
6 THE FEDERAL AMERICANS WITH DISABILITIES ACT.

7 (2) Subject to paragraph ~~(2)~~ (3) of this subsection, a custodian shall deny  
8 inspection of the part of a public record that contains:

9 (I) medical or psychological information about an individual, other  
10 than an autopsy report of a medical examiner; OR

11 (II) PERSONAL INFORMATION ABOUT AN INDIVIDUAL WITH A  
12 DISABILITY OR AN INDIVIDUAL PERCEIVED TO HAVE A DISABILITY.

13 ~~(2)~~ (3) (I) A custodian shall permit the person in interest to inspect  
14 the public record to the extent permitted under § 4-304(a) of the Health - General  
15 Article.

16 (II) IF A CUSTODIAN PROVIDES THE HOME ADDRESS OF AN  
17 INDIVIDUAL WITH A DISABILITY OR AN INDIVIDUAL PERCEIVED TO HAVE A  
18 DISABILITY IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE  
19 CUSTODIAN SHALL REDACT ALL INFORMATION THAT IDENTIFIES THE LOCATION AS  
20 THE HOME ADDRESS OF AN INDIVIDUAL WITH A DISABILITY OR AN INDIVIDUAL  
21 PERCEIVED TO HAVE A DISABILITY.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2006.