

# HOUSE BILL 343

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By: **Delegate Pendergrass**

Introduced and read first time: February 1, 2007

Assigned to: Health and Government Operations

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Committee Report: Favorable

House action: Adopted

Read second time: February 21, 2007

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Department of Health and Mental Hygiene – Laboratories – Letter of**  
3 **Exception**

4 FOR the purpose of altering a certain definition that relates to the circumstances  
5 under which the Secretary of Health and Mental Hygiene is required to issue a  
6 letter of exception from certain State licensing requirements for laboratories;  
7 and generally relating to exceptions from State licensing requirements for  
8 laboratories.

9 BY repealing and reenacting, with amendments,  
10 Article – Health – General  
11 Section 17–205  
12 Annotated Code of Maryland  
13 (2005 Replacement Volume and 2006 Supplement)

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

16 **Article – Health – General**

17 17–205.

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) A person shall hold a license issued by the Secretary before the person  
2 may:

3 (1) Offer or perform medical laboratory tests or examinations in this  
4 State;

5 (2) Offer or perform medical laboratory tests or examinations on  
6 specimens acquired from health care providers in this State at a medical laboratory  
7 located outside this State; or

8 (3) Represent or service in this State a medical laboratory regardless  
9 of the laboratory's location.

10 (b) The Secretary shall issue a letter of exception to a laboratory that:

11 (1) Performs only limited medical laboratory tests or examinations;  
12 and

13 (2) Meets the exception requirements in regulations adopted by the  
14 Secretary pursuant to this subtitle.

15 (c) For the purposes of this section, "limited medical laboratory tests or  
16 examinations" means [simple] medical laboratory procedures as defined in regulations  
17 adopted by the Secretary pursuant to this subtitle.

18 (d) If preliminary screening procedures are performed by an operator who is  
19 trained under § 17-214(k) of this subtitle, an employer:

20 (1) Is not required to obtain a permit or to obtain a letter of exception  
21 from the Secretary under this section to perform testing; but

22 (2) Is required before performing preliminary screening procedures, as  
23 defined under § 17-214(a) of this subtitle, to register with the Secretary in accordance  
24 with requirements adopted in regulations by the Department of Health and Mental  
25 Hygiene.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2007.