

# HOUSE BILL 535

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By: **Delegate Dumais**

Introduced and read first time: February 7, 2007

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Catastrophic Health Emergencies – Quarantine Orders – Citations**

3 FOR the purpose of authorizing the Secretary of Health and Mental Hygiene to deliver  
4 or mail a citation to certain individuals who refuse certain medical treatment or  
5 testing after an order of isolation or quarantine has been issued by the  
6 Secretary during a catastrophic health emergency; providing for the purpose of  
7 a certain citation; establishing the amount of a fine for payment of a certain  
8 citation; requiring a certain citation to be on a certain form and contain certain  
9 information; establishing certain procedures for contesting a certain citation;  
10 establishing certain procedures for prosecuting certain individuals for certain  
11 violations; and generally relating to citations for violating quarantine orders  
12 during a catastrophic health emergency.

13 BY repealing and reenacting, with amendments,  
14 Article – Health – General  
15 Section 18–905 and 18–907  
16 Annotated Code of Maryland  
17 (2005 Replacement Volume and 2006 Supplement)

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

20 **Article – Health – General**

21 18–905.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In investigating actual or potential exposures to a deadly agent, the  
2 Secretary:

3 (1) (i) May issue an order requiring individuals whom the  
4 Secretary has reason to believe have been exposed to a deadly agent to seek  
5 appropriate and necessary evaluation and treatment;

6 (ii) When the Secretary determines that it is medically  
7 necessary and reasonable to prevent or reduce the spread of the disease or outbreak  
8 believed to have been caused by the exposure to a deadly agent, may order an  
9 individual or group of individuals to go to and remain in places of isolation or  
10 quarantine until the Secretary determines that the individual no longer poses a  
11 substantial risk of transmitting the disease or condition to the public; and

12 (iii) If a competent individual over the age of 18 refuses  
13 vaccination, medical examination, treatment, or testing under this paragraph, may:

14 **1. DELIVER OR MAIL A CITATION TO THE**  
15 **INDIVIDUAL; OR**

16 **2. [require] REQUIRE** the individual to go to and  
17 remain in places of isolation or quarantine until the Secretary determines that the  
18 individual no longer poses a substantial risk of transmitting the disease or condition to  
19 the public;

20 (2) May coordinate and direct the efforts of any health officer or health  
21 commissioner of any subdivision in seeking to detect or respond to threats posed by a  
22 deadly agent; and

23 (3) May order any sheriff, deputy sheriff, or other law enforcement  
24 officer of the State or any subdivision to assist in the execution or enforcement of any  
25 order issued under this subtitle.

26 (b) The Secretary may issue an order under subsection (a) of this section:

27 (1) If, prior to the issuance of a proclamation under § 14–3A–02 of the  
28 Public Safety Article, the Secretary determines that the disease or outbreak can be  
29 medically contained by the Department and appropriate health care providers; and

30 (2) As necessary to implement an order issued by the Governor under  
31 § 14–3A–02 of the Public Safety Article.

1 18-907.

2 (A) (1) A CITATION ISSUED TO AN INDIVIDUAL UNDER § 18-905 OF  
3 THIS SUBTITLE SHALL SERVE AS A NOTIFICATION TO THE INDIVIDUAL THAT THE  
4 INDIVIDUAL HAS BEEN ASSESSED A CIVIL FINE OF \$500, SUBJECT TO THE  
5 INDIVIDUAL'S RIGHT TO STAND TRIAL IN DISTRICT COURT.

6 (2) THE CITATION SHALL BE ON A FORM DEVELOPED BY, AND  
7 INCLUDE INFORMATION REQUIRED BY, THE SECRETARY.

8 (3) (I) AN INDIVIDUAL WHO RECEIVES A CITATION MAY ELECT  
9 TO STAND TRIAL FOR THE REFUSAL TO COMPLY WITH AN ORDER, REGULATION,  
10 OR DIRECTIVE BY FILING WITH THE LOCAL HEALTH DEPARTMENT A NOTICE OF  
11 INTENTION TO STAND TRIAL.

12 (II) THE NOTICE SHALL BE GIVEN AT LEAST 5 DAYS BEFORE  
13 THE DATE OF PAYMENT AS SET FORTH IN THE CITATION.

14 (III) ON RECEIPT OF THE NOTICE OF INTENTION TO STAND  
15 TRIAL, THE LOCAL HEALTH DEPARTMENT SHALL FORWARD TO THE DISTRICT  
16 COURT IN THAT COUNTY A COPY OF THE CITATION AND THE NOTICE OF  
17 INTENTION TO STAND TRIAL.

18 (IV) ON RECEIPT OF THE CITATION, THE DISTRICT COURT  
19 SHALL SCHEDULE THE CASE FOR TRIAL AND NOTIFY THE DEFENDANT OF THE  
20 TRIAL DATE.

21 (4) (I) IF AN INDIVIDUAL WHO RECEIVES A CITATION FOR A  
22 VIOLATION FAILS TO PAY THE FINE BY THE DATE OF PAYMENT SET FORTH IN  
23 THE CITATION AND FAILS TO FILE A TIMELY NOTICE OF INTENTION TO STAND  
24 TRIAL, A FORMAL NOTICE OF VIOLATION SHALL BE SENT TO THE INDIVIDUAL'S  
25 LAST ADDRESS, IF KNOWN.

26 (II) IF THE CITATION IS NOT SATISFIED WITHIN 15 DAYS  
27 FROM THE DATE OF THE NOTICE, THE INDIVIDUAL IS LIABLE FOR AN  
28 ADDITIONAL FINE NOT TO EXCEED THE AMOUNT OF THE FINE SET FORTH IN  
29 SUBSECTION (B) OF THIS SECTION.

1                   **(III) IF AFTER 35 DAYS, THE CITATION IS NOT SATISFIED,**  
2 **THE SECRETARY MAY REQUEST ADJUDICATION OF THE CASE THROUGH THE**  
3 **DISTRICT COURT.**

4                   **(IV) ON RECEIPT OF THE ADJUDICATION REQUEST OF THE**  
5 **SECRETARY, THE DISTRICT COURT SHALL SCHEDULE THE CASE FOR TRIAL AND**  
6 **SUMMON THE DEFENDANT TO APPEAR.**

7           **[(a)] (B)**     (1)   A person may not knowingly and willfully fail to comply  
8 with any order, regulation, or directive issued in accordance with § 18-905 of this  
9 subtitle.

10                   (2)   A person who violates paragraph (1) of this subsection is guilty of a  
11 misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a  
12 fine not exceeding \$3,000 or both.

13           **[(b)] (C)**     If a health care facility fails to comply with an order, regulation, or  
14 directive issued under § 18-903 or § 18-904 of this subtitle, the Secretary may impose  
15 a civil penalty not to exceed \$3,000 for each offense.

16           **[(c)] (D)**     If a health care practitioner fails to comply with an order,  
17 regulation, or directive issued under § 18-903 or § 18-904 of this subtitle, the  
18 Secretary may request the appropriate licensing board to take disciplinary action  
19 against the health care practitioner, including:

20                   (1)   Placing the licensee or certificate holder on probation;

21                   (2)   Suspending or revoking the license or certificate holder; or

22                   (3)   Imposing a civil penalty not to exceed \$3,000 for each offense.

23           **[(d)] (E)**     A health care provider acting in good faith and in accordance with  
24 a catastrophic health emergency disease surveillance and response program is  
25 immune from civil or criminal liability related to those actions, unless the health care  
26 provider acts with willful misconduct.

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