

SENATE BILL 464

E4

7lr1264

By: **Senators Pugh, Britt, Colburn, Exum, Gladden, Harris, Jones, McFadden, Middleton, and Muse**

Introduced and read first time: February 2, 2007

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Inmates – Mandatory Health Testing**

3 FOR the purpose of requiring the Department of Public Safety and Correctional
4 Services to test or provide for the testing of certain inmates for the human
5 immunodeficiency virus (HIV) and the hepatitis C virus within a certain time
6 period after the inmate is admitted to a State correctional facility and before the
7 inmate is released from the facility; providing that certain agents and
8 employees of the Department are immune from liability under this Act under
9 certain circumstances; requiring the Secretary of the Department to adopt
10 regulations to carry out this Act; defining a certain term; and generally relating
11 to the health testing of inmates in State correctional facilities.

12 BY adding to
13 Article – Correctional Services
14 Section 2–119
15 Annotated Code of Maryland
16 (1999 Volume and 2006 Supplement)

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

19 **Article – Correctional Services**

20 **2–119.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) **IN THIS SECTION, “HIV” MEANS ANY HUMAN IMMUNODEFICIENCY**
2 **VIRUS THAT CAUSES ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS).**

3 (B) **THIS SECTION APPLIES TO INMATES IN A STATE CORRECTIONAL**
4 **FACILITY.**

5 (C) **THE DEPARTMENT SHALL TEST OR PROVIDE FOR THE TESTING OF**
6 **EVERY INMATE FOR HIV AND HEPATITIS C:**

7 (1) **WITHIN 30 DAYS OF THE INMATE BEING COMMITTED TO A**
8 **STATE CORRECTIONAL FACILITY; AND**

9 (2) **WITHIN 30 DAYS BEFORE THE INMATE IS RELEASED FROM A**
10 **STATE CORRECTIONAL FACILITY.**

11 (D) **AN AGENT OR EMPLOYEE OF THE DEPARTMENT OR ANY OTHER**
12 **STATE EMPLOYEE WHO COMPLIES WITH THIS SECTION HAS THE IMMUNITY**
13 **FROM LIABILITY DESCRIBED UNDER § 5-522 OF THE COURTS ARTICLE FOR**
14 **ACTIONS TAKEN IN ACCORDANCE WITH THIS SECTION.**

15 (E) **THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
16 **SECTION, INCLUDING REGULATIONS ON:**

17 (1) **THE CONFIDENTIALITY OF TEST RESULTS OBTAINED UNDER**
18 **THIS SECTION;**

19 (2) **INMATE COUNSELING; AND**

20 (3) **THE PROVISION OF APPROPRIATE HEALTH CARE AND**
21 **SUPPORT SERVICES FOR AN INMATE WHO TESTS POSITIVE FOR HIV/AIDS OR**
22 **HEPATITIS C.**

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