

# SENATE BILL 386

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CF HB 368

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By: **Senator McFadden (By Request – Baltimore City Administration)**

Introduced and read first time: February 2, 2009

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City Health Department – Overdose Prevention Pilot Program**

3 FOR the purpose of establishing an Overdose Prevention Pilot Program in the  
4 Baltimore City Health Department; authorizing the Baltimore City Health  
5 Department to issue and renew certain certificates to certain individuals,  
6 conduct certain educational and training programs and written and oral  
7 examinations, approve certain educational and training programs and written  
8 and oral examinations, and charge certain fees; requiring certain educational  
9 and training programs to include certain information; requiring applicants for a  
10 certificate to meet certain qualifications and to perform certain acts; requiring  
11 the Baltimore City Health Department to issue a certificate to an applicant who  
12 meets certain requirements; requiring certain information to be included on the  
13 certificate; providing for the renewal and replacement of a certificate;  
14 authorizing a certificate holder to perform certain acts; providing immunity for  
15 certain persons acting under certain circumstances; providing that certain  
16 provisions of this Act do not affect, and may not be construed as affecting,  
17 certain immunities or defenses; providing that this Act may not be construed to  
18 create a duty to obtain a certificate; providing that an individual may not be  
19 held civilly liable under certain circumstances; requiring the Secretary of  
20 Health and Mental Hygiene, in consultation with the Baltimore City Health  
21 Department, to adopt certain regulations; requiring a certain report on or before  
22 a certain date and annually thereafter; defining certain terms; providing for the  
23 termination of this Act; and generally relating to the Overdose Prevention Pilot  
24 Program in the Baltimore City Health Department.

25 BY adding to

26 Article – Health – General

27 Section 24–8A–01 through 24–8A–10 to be under the new subtitle “Subtitle 8A.  
28 Overdose Prevention Pilot Program”

29 Annotated Code of Maryland

30 (2005 Replacement Volume and 2008 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

**Article – Health – General**

**SUBTITLE 8A. OVERDOSE PREVENTION PILOT PROGRAM.**

**24-8A-01.**

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

(B) “CERTIFICATE” MEANS A CERTIFICATE ISSUED BY THE BALTIMORE CITY HEALTH DEPARTMENT AUTHORIZING AN INDIVIDUAL TO BE PRESCRIBED, POSSESS, AND ADMINISTER AN INTRANASAL OPIOID ANTAGONIST.

(C) “INTRANASAL OPIOID ANTAGONIST” MEANS NALOXONE ADMINISTERED WITHIN THE NOSE.

(D) “PROGRAM” MEANS THE OVERDOSE PREVENTION PILOT PROGRAM IN THE BALTIMORE CITY HEALTH DEPARTMENT.

**24-8A-02.**

(A) THERE IS AN OVERDOSE PREVENTION PILOT PROGRAM IN THE BALTIMORE CITY HEALTH DEPARTMENT.

(B) THE PURPOSE OF THE PROGRAM IS TO REDUCE MORTALITY FROM OPIOID OVERDOSE THROUGH:

(1) PREVENTION AND TREATMENT EDUCATION PROGRAMS; AND

(2) CERTIFICATION OF INDIVIDUALS TO ADMINISTER AN INTRANASAL OPIOID ANTAGONIST WHEN PHYSICIAN SERVICES OR EMERGENCY MEDICAL SERVICES ARE NOT IMMEDIATELY AVAILABLE.

**24-8A-03.**

AS PART OF THE PROGRAM, THE BALTIMORE CITY HEALTH DEPARTMENT MAY:

(1) ISSUE AND RENEW CERTIFICATES TO PERSONS MEETING THE REQUIREMENTS OF THIS SUBTITLE;

1           (2)    **CONDUCT EDUCATIONAL AND TRAINING PROGRAMS;**

2           (3)    **CONDUCT WRITTEN AND ORAL EXAMINATIONS;**

3           (4)    **APPROVE EDUCATIONAL AND TRAINING PROGRAMS**  
4 **CONDUCTED BY OTHER STATE AGENCIES OR PRIVATE ENTITIES;**

5           (5)    **APPROVE WRITTEN AND ORAL EXAMINATIONS CONDUCTED BY**  
6 **OTHER STATE AGENCIES OR PRIVATE ENTITIES; AND**

7           (6)    **CHARGE FEES TO COVER THE COST OF:**

8                   (I)    **ISSUANCE, REPLACEMENT, OR RENEWAL OF**  
9 **CERTIFICATES; AND**

10                   (II)   **EDUCATIONAL AND TRAINING PROGRAMS.**

11 **24-8A-04.**

12           **THE PROGRAM SHALL INCLUDE EDUCATIONAL AND TRAINING**  
13 **PROGRAMS, WHICH, AT A MINIMUM, SHALL EDUCATE PARTICIPANTS ON:**

14           (1)    **RISK FACTORS FOR OPIOID OVERDOSE;**

15           (2)    **SIGNS OF AN OPIOID OVERDOSE;**

16           (3)    **RESCUE BREATHING;**

17           (4)    **PROPER ADMINISTRATION OF AN INTRANASAL OPIOID**  
18 **ANTAGONIST;**

19           (5)    **HOW TO REFER INDIVIDUALS TO DRUG COUNSELING AND**  
20 **TREATMENT SERVICES; AND**

21           (6)    **THE NEED TO CALL 9-1-1 IMMEDIATELY ANY TIME AN**  
22 **INTRANASAL OPIOID ANTAGONIST IS ADMINISTERED.**

23 **24-8A-05.**

24           **AN APPLICANT FOR A CERTIFICATE SHALL:**

25           (1)    **BE AT LEAST 18 YEARS OLD;**

(2) REPRESENT A TARGET POPULATION, INCLUDING FRIENDS AND FAMILY OF ACTIVE DRUG USERS OR HUMAN SERVICES PROVIDERS AND STAFF WHO WORK WITH OPIOID DRUG USERS;

(3) HAVE SUCCESSFULLY COMPLETED AN EDUCATIONAL AND TRAINING PROGRAM CONDUCTED OR APPROVED BY THE BALTIMORE CITY HEALTH DEPARTMENT;

(4) HAVE SUCCESSFULLY PASSED A WRITTEN AND ORAL EXAMINATION CONDUCTED OR APPROVED BY THE BALTIMORE CITY HEALTH DEPARTMENT; AND

(5) SUBMIT AN APPLICATION TO THE BALTIMORE CITY HEALTH DEPARTMENT ON THE FORM THAT THE HEALTH DEPARTMENT REQUIRES.

**24-8A-06.**

(A) THE BALTIMORE CITY HEALTH DEPARTMENT SHALL ISSUE A CERTIFICATE TO ANY APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.

(B) EACH CERTIFICATE SHALL INCLUDE:

(1) THE FULL NAME OF THE CERTIFICATE HOLDER; AND

(2) A SERIAL NUMBER.

(C) A REPLACEMENT CERTIFICATE MAY BE ISSUED TO REPLACE A LOST, DESTROYED, OR MUTILATED CERTIFICATE.

(D) (1) THE CERTIFICATE SHALL BE VALID FOR 1 YEAR.

(2) IN ORDER TO RENEW THE CERTIFICATE FOR AN ADDITIONAL YEAR, THE APPLICANT SHALL:

(I) SUCCESSFULLY COMPLETE A REFRESHER TRAINING PROGRAM CONDUCTED OR APPROVED BY THE BALTIMORE CITY HEALTH DEPARTMENT; OR

(II) DEMONSTRATE PROFICIENCY TO THE HEALTH DEPARTMENT.

**24-8A-07.**

1           **AN INDIVIDUAL WHO IS CERTIFIED MAY:**

2                   **(1)    ON PRESENTMENT OF A CERTIFICATE, RECEIVE FROM ANY**  
3 **PHYSICIAN, NURSE PRACTITIONER, OR PHYSICIAN ASSISTANT LICENSED UNDER**  
4 **THE HEALTH OCCUPATIONS ARTICLE A PRESCRIPTION FOR AN INTRANASAL**  
5 **OPIOID ANTAGONIST;**

6                   **(2)    POSSESS A PRESCRIBED INTRANASAL OPIOID ANTAGONIST;**  
7 **AND**

8                   **(3)    IN AN EMERGENCY SITUATION WHEN PHYSICIAN SERVICES OR**  
9 **EMERGENCY MEDICAL SERVICES ARE NOT IMMEDIATELY AVAILABLE,**  
10 **ADMINISTER AN INTRANASAL OPIOID ANTAGONIST TO A PERSON SUFFERING OR**  
11 **BELIEVED BY THE CERTIFICATE HOLDER TO BE SUFFERING AN OPIOID**  
12 **OVERDOSE.**

13 **24-8A-08.**

14           **(A)    EXCEPT WHERE THE CONDUCT OF THE CERTIFICATE HOLDER**  
15 **AMOUNTS TO GROSS NEGLIGENCE, WILLFUL OR WANTON MISCONDUCT, OR**  
16 **INTENTIONALLY TORTIOUS CONDUCT, A CAUSE OF ACTION MAY NOT ARISE**  
17 **AGAINST A CERTIFICATE HOLDER AUTHORIZED UNDER THIS SUBTITLE FOR ANY**  
18 **ACT OR OMISSION WHEN THE CERTIFICATE HOLDER IS ACTING IN GOOD FAITH**  
19 **WHILE RENDERING EMERGENCY TREATMENT TO A PERSON SUFFERING OR**  
20 **BELIEVED BY THE CERTIFICATE HOLDER TO BE SUFFERING AN OPIOID**  
21 **OVERDOSE.**

22           **(B)    A CAUSE OF ACTION MAY NOT ARISE AGAINST ANY PHYSICIAN,**  
23 **NURSE PRACTITIONER, OR PHYSICIAN ASSISTANT LICENSED UNDER THE**  
24 **HEALTH OCCUPATIONS ARTICLE FOR ANY ACT OR OMISSION WHEN THE**  
25 **PHYSICIAN, NURSE PRACTITIONER, OR PHYSICIAN ASSISTANT IN GOOD FAITH**  
26 **PRESCRIBES AN INTRANASAL OPIOID ANTAGONIST TO AN INDIVIDUAL**  
27 **CERTIFIED BY THE DEPARTMENT UNDER § 24-8A-06 OF THIS SUBTITLE.**

28           **(C)    THIS SECTION DOES NOT AFFECT, AND MAY NOT BE CONSTRUED AS**  
29 **AFFECTING, ANY IMMUNITIES FROM CIVIL LIABILITY OR DEFENSES**  
30 **ESTABLISHED BY ANY OTHER PROVISION OF THE CODE OR BY COMMON LAW TO**  
31 **WHICH A CERTIFICATE HOLDER, PHYSICIAN, NURSE PRACTITIONER, OR**  
32 **PHYSICIAN ASSISTANT MAY BE ENTITLED.**

33           **(D)    THIS SUBTITLE MAY NOT BE CONSTRUED TO CREATE A DUTY ON**  
34 **ANY INDIVIDUAL TO OBTAIN A CERTIFICATE UNDER THIS SUBTITLE, AND AN**  
35 **INDIVIDUAL MAY NOT BE HELD CIVILLY LIABLE FOR FAILING TO OBTAIN A**  
36 **CERTIFICATE UNDER THIS SUBTITLE.**

1           **(E) AN INDIVIDUAL MAY NOT BE HELD CIVILLY LIABLE IN ANY ACTION**  
2 **ARISING FROM OR IN CONNECTION WITH THE ADMINISTRATION OF AN**  
3 **INTRANASAL OPIOID ANTAGONIST BY THE INDIVIDUAL SOLELY BECAUSE THE**  
4 **INDIVIDUAL DID NOT POSSESS A CERTIFICATE ISSUED UNDER THIS SUBTITLE.**

5 **24-8A-09.**

6           **THE SECRETARY, IN CONSULTATION WITH THE BALTIMORE CITY HEALTH**  
7 **DEPARTMENT, SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROGRAM.**

8 **24-8A-10.**

9           **ON OR BEFORE JANUARY 1, 2010, AND ANNUALLY THEREAFTER, THE**  
10 **BALTIMORE CITY HEALTH DEPARTMENT SHALL REPORT TO THE GOVERNOR**  
11 **AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE**  
12 **GENERAL ASSEMBLY, ON THE OPERATION AND PERFORMANCE OF THE**  
13 **OVERDOSE PREVENTION PILOT PROGRAM. EACH REPORT SHALL INCLUDE THE**  
14 **FOLLOWING DATA BY FISCAL YEAR, THE NUMBER OF:**

15                   **(1) INDIVIDUALS TRAINED;**

16                   **(2) CERTIFICATES ISSUED;**

17                   **(3) DOSES OF INTRANASAL OPIOID ANTAGONIST DISTRIBUTED;**

18 **AND**

19                   **(4) REPORTED OVERDOSE REVERSALS.**

20           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
21 **July 1, 2009. It shall remain effective for a period of 5 years and, at the end of June 30,**  
22 **2014, with no further action required by the General Assembly, this Act shall be**  
23 **abrogated and of no further force and effect.**