

# HOUSE BILL 1212

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By: **Delegate Morhaim**

Introduced and read first time: February 12, 2016

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Overdose and Infectious Disease Prevention Safer Drug Use**  
3 **Facility Program**

4 FOR the purpose of authorizing the establishment of an Overdose and Infectious Disease  
5 Prevention Safer Drug Use Facility Program by certain entities in certain  
6 jurisdictions; requiring the Department of Health and Mental Hygiene to make a  
7 certain determination on a certain application based on certain criteria and within  
8 a certain period of time; requiring the Department to provide a written explanation  
9 of a certain determination to a certain entity; requiring a Program to provide certain  
10 services; authorizing a Program to provide certain services; authorizing a Program  
11 to bill a certain insurance carrier for certain services provided, accept donations,  
12 grants, and other financial assistance, and apply for certain grants; requiring a  
13 Program to collect certain data; authorizing a Program to contract with a certain  
14 entity for a certain purpose; requiring a Program to submit a certain report to certain  
15 committees of the General Assembly and the Department on or before a certain date  
16 each year; requiring the administrator of a Program to develop and implement a  
17 certain plan for evaluation of the Program based on certain knowledge; prohibiting  
18 certain persons, under certain circumstances, from being subject to arrest,  
19 prosecution, or certain penalties or from being denied any right or privilege for  
20 involvement in the operation or use of services of a Program; prohibiting certain  
21 persons, under certain circumstances, from being subject to the seizure or forfeiture  
22 of certain real or personal property under certain laws; providing that certain  
23 persons are not immune from criminal prosecution for certain activities; defining  
24 certain terms; and generally relating to an Overdose and Infectious Disease  
25 Prevention Safer Drug Use Facility Program.

26 BY adding to

27 Article – Health – General

28 Section 24–1501 through 24–1507 to be under the new subtitle “Subtitle 15.  
29 Overdose and Infectious Disease Prevention Safer Drug Use Facility  
30 Program”

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2015 Replacement Volume)

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

5 **Article – Health – General**

6 **SUBTITLE 15. OVERDOSE AND INFECTIOUS DISEASE PREVENTION SAFER DRUG**  
7 **USE FACILITY PROGRAM.**

8 **24–1501.**

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

11 (B) “COMMUNITY–BASED ORGANIZATION” MEANS A PUBLIC OR PRIVATE  
12 ORGANIZATION THAT:

13 (1) IS REPRESENTATIVE OF A COMMUNITY OR SIGNIFICANT  
14 SEGMENTS OF A COMMUNITY; AND

15 (2) PROVIDES EDUCATIONAL, HEALTH, OR SOCIAL SERVICES TO  
16 INDIVIDUALS IN THE COMMUNITY.

17 (C) “PROGRAM” MEANS AN OVERDOSE AND INFECTIOUS DISEASE  
18 PREVENTION SAFER DRUG USE FACILITY PROGRAM.

19 **24–1502.**

20 (A) A LOCAL HEALTH DEPARTMENT MAY ESTABLISH AN OVERDOSE AND  
21 INFECTIOUS DISEASE PREVENTION SAFER DRUG USE FACILITY PROGRAM IN ONE  
22 OR MORE JURISDICTIONS.

23 (B) (1) A COMMUNITY–BASED ORGANIZATION MAY ESTABLISH AN  
24 OVERDOSE AND INFECTIOUS DISEASE PREVENTION SAFER DRUG USE FACILITY  
25 PROGRAM IN ONE OR MORE JURISDICTIONS WITH THE APPROVAL OF THE  
26 DEPARTMENT.

27 (2) A COMMUNITY–BASED ORGANIZATION MAY APPLY TO THE  
28 DEPARTMENT FOR APPROVAL OF A PROGRAM AT ANY TIME, REGARDLESS OF  
29 PREVIOUS APPLICATIONS.

1           **(3) THE DEPARTMENT SHALL MAKE ITS DETERMINATION OF**  
2 **WHETHER TO APPROVE AN APPLICATION SUBMITTED UNDER THIS SUBSECTION**  
3 **BASED ON THE ABILITY OF THE COMMUNITY-BASED ORGANIZATION TO SATISFY THE**  
4 **REQUIREMENTS OF §§ 24-1503, 24-1504, AND 24-1505 OF THIS SUBTITLE.**

5           **(4) THE DEPARTMENT SHALL:**

6                   **(I) APPROVE OR DENY THE APPLICATION OF A**  
7 **COMMUNITY-BASED ORGANIZATION WITHIN 45 DAYS AFTER THE DAY OF RECEIPT**  
8 **OF THE APPLICATION; AND**

9                   **(II) PROVIDE A WRITTEN EXPLANATION OF THE DEPARTMENT'S**  
10 **DETERMINATION TO THE COMMUNITY-BASED ORGANIZATION.**

11 **24-1503.**

12           **(A) A PROGRAM SHALL:**

13                   **(1) PROVIDE A LOCATION SUPERVISED BY HEALTH CARE**  
14 **PROFESSIONALS OR OTHER TRAINED STAFF WHERE DRUG USERS CAN**  
15 **SELF-ADMINISTER PREOBTAINED DRUGS;**

16                   **(2) PROVIDE STERILE INJECTION SUPPLIES, COLLECT USED**  
17 **HYPODERMIC NEEDLES AND SYRINGES, AND PROVIDE SECURE HYPODERMIC**  
18 **NEEDLE AND SYRINGE DISPOSAL SERVICES;**

19                   **(3) ANSWER QUESTIONS ABOUT SAFE INJECTION PRACTICES;**

20                   **(4) ADMINISTER FIRST AID, IF NEEDED, MONITOR PARTICIPANTS FOR**  
21 **POTENTIAL OVERDOSE, AND ADMINISTER RESCUE MEDICATIONS, INCLUDING**  
22 **NALOXONE;**

23                   **(5) PROVIDE REFERRALS TO SERVICES, INCLUDING:**

24                           **(I) SUBSTANCE ABUSE DISORDER COUNSELING AND**  
25 **TREATMENT SERVICES;**

26                           **(II) TESTING FOR HIV, VIRAL HEPATITIS, AND SEXUALLY**  
27 **TRANSMITTED DISEASES;**

28                           **(III) REPRODUCTIVE HEALTH EDUCATION AND SERVICES; AND**

29                           **(IV) WOUND CARE;**

1           **(6) EDUCATE PARTICIPANTS ON THE RISKS OF CONTRACTING HIV**  
2 **AND VIRAL HEPATITIS;**

3           **(7) PROVIDE OVERDOSE PREVENTION EDUCATION AND ACCESS TO**  
4 **OR REFERRALS TO OBTAIN NALOXONE;**

5           **(8) EDUCATE PARTICIPANTS REGARDING PROPER DISPOSAL OF**  
6 **HYPODERMIC NEEDLES AND SYRINGES;**

7           **(9) PROVIDE REASONABLE AND ADEQUATE SECURITY OF THE**  
8 **PROGRAM SITE AND EQUIPMENT;**

9           **(10) ESTABLISH A METHOD OF IDENTIFYING PROGRAM STAFF**  
10 **MEMBERS AND VOLUNTEERS WHO ARE AUTHORIZED TO ACCESS HYPODERMIC**  
11 **NEEDLES AND SYRINGES AND PROGRAM RECORDS; AND**

12           **(11) TRAIN STAFF MEMBERS TO DELIVER SERVICES OFFERED BY THE**  
13 **PROGRAM.**

14           **(B) A PROGRAM MAY OFFER ADDITIONAL SERVICES, INCLUDING:**

15           **(1) SUBSTANCE ABUSE DISORDER COUNSELING AND TREATMENT**  
16 **SERVICES;**

17           **(2) TESTING FOR HIV, VIRAL HEPATITIS, AND SEXUALLY**  
18 **TRANSMITTED DISEASES;**

19           **(3) REPRODUCTIVE HEALTH EDUCATION AND SERVICES;**

20           **(4) WOUND CARE; AND**

21           **(5) THE SERVICES OF AN OVERDOSE RESPONSE PROGRAM UNDER**  
22 **TITLE 13, SUBTITLE 31 OF THIS ARTICLE.**

23           **(C) A PROGRAM MAY:**

24           **(1) WITH THE CONSENT OF THE INDIVIDUAL, BILL THE INSURANCE**  
25 **CARRIER OF AN INDIVIDUAL WHO USES THE SERVICES OF THE PROGRAM FOR THE**  
26 **COST OF COVERED SERVICES;**

27           **(2) ACCEPT DONATIONS, GRANTS, OR OTHER FINANCIAL**  
28 **ASSISTANCE; AND**

1           **(3) APPLY FOR GRANTS FROM THE DEPARTMENT OR ANY NONPROFIT**  
2 **OR OTHER PRIVATE ORGANIZATION.**

3 **24-1504.**

4           **(A) A PROGRAM ESTABLISHED UNDER THIS SUBTITLE SHALL COLLECT THE**  
5 **FOLLOWING DATA:**

6           **(1) THE NUMBER OF INDIVIDUALS SERVED BY THE PROGRAM;**

7           **(2) THE NUMBER OF TIMES AN INDIVIDUAL USES THE PROGRAM'S**  
8 **SERVICES;**

9           **(3) DEMOGRAPHIC PROFILES OF INDIVIDUALS SERVED BY THE**  
10 **PROGRAM THAT INCLUDE:**

11           **(I) AGE;**

12           **(II) GENDER;**

13           **(III) RACE;**

14           **(IV) ZIP CODE OF RESIDENCE; AND**

15           **(V) TYPES OF DRUGS USED AND METHODS OF**  
16 **ADMINISTRATION;**

17           **(4) THE NUMBER OF INDIVIDUALS ENTERING DRUG COUNSELING**  
18 **AND TREATMENT;**

19           **(5) THE NUMBER OF HYPODERMIC NEEDLES AND SYRINGES**  
20 **DISTRIBUTED;**

21           **(6) THE NUMBER OF INDIVIDUALS WHO USE THE SERVICES OF THE**  
22 **PROGRAM WHO HAVE BEEN ARRESTED FOR DRUG-RELATED CRIMES;**

23           **(7) THE PROGRAM'S IMPACT ON THE CRIME RATE IN THE**  
24 **NEIGHBORHOOD IN WHICH THE PROGRAM IS LOCATED;**

25           **(8) THE NUMBER OF INDIVIDUALS WHO USE THE SERVICES OF THE**  
26 **PROGRAM WHO ADOPT SAFER INJECTION PRACTICES; AND**

1           **(9) THE NUMBER OF INDIVIDUALS RESCUED AND THE NUMBER OF**  
2 **RESCUE DRUGS USED.**

3           **(B) A PROGRAM MAY CONTRACT WITH AN INDEPENDENT ENTITY TO**  
4 **ANALYZE THE DATA COLLECTED UNDER SUBSECTION (A) OF THIS SECTION.**

5           **(C) ON OR BEFORE DECEMBER 1 EACH YEAR, A PROGRAM SHALL SUBMIT**  
6 **TO THE DEPARTMENT AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE**  
7 **GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND**  
8 **ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE HEALTH AND**  
9 **GOVERNMENT OPERATIONS COMMITTEE A REPORT THAT INCLUDES THE DATA**  
10 **COLLECTED UNDER SUBSECTION (A) OF THIS SECTION.**

11 **24-1505.**

12           **(A) THE ADMINISTRATOR OF A PROGRAM SHALL DEVELOP AND IMPLEMENT**  
13 **A PLAN FOR EVALUATION OF THE PROGRAM AS APPROPRIATE BASED ON THE**  
14 **PREVAILING KNOWLEDGE AT THE TIME.**

15           **(B) (1) THE EVALUATION MAY INCLUDE:**

16                   **(I) REPORTED CHANGES IN THE LEVEL OF DRUG USE AMONG**  
17 **INDIVIDUALS USING THE SERVICES OF THE PROGRAM; AND**

18                   **(II) REPORTED CHANGES IN DRUG USE AMONG INDIVIDUALS**  
19 **USING THE SERVICES OF THE PROGRAM.**

20           **(2) THE EVALUATION SHALL INCLUDE AN ANALYSIS OF THE**  
21 **ADVISABILITY OF CONTINUING THE PROGRAM.**

22 **24-1506.**

23           **(A) ANY OF THE FOLLOWING PERSONS ACTING IN ACCORDANCE WITH THE**  
24 **PROVISIONS OF THIS SUBTITLE MAY NOT BE SUBJECT TO ARREST, PROSECUTION,**  
25 **OR ANY CIVIL OR ADMINISTRATIVE PENALTY, INCLUDING A CIVIL PENALTY OR**  
26 **DISCIPLINARY ACTION BY A PROFESSIONAL LICENSING BOARD, OR BE DENIED ANY**  
27 **RIGHT OR PRIVILEGE FOR INVOLVEMENT IN THE OPERATION OR USE OF SERVICES**  
28 **OF THE PROGRAM:**

29                   **(1) AN INDIVIDUAL WHO USES SERVICES OF A PROGRAM;**

30                   **(2) A STAFF MEMBER OF A PROGRAM, INCLUDING A HEALTH CARE**  
31 **PROFESSIONAL, MANAGER, EMPLOYEE, OR VOLUNTEER; OR**

1           **(3) A PROPERTY OWNER WHO OWNS THE FACILITY AT WHICH A**  
2 **PROGRAM IS LOCATED AND OPERATES.**

3           **(B) ANY PROPERTY OWNER, MANAGER, EMPLOYEE, VOLUNTEER, OR**  
4 **INDIVIDUAL USING THE SERVICES OF A PROGRAM AND ACTING IN ACCORDANCE**  
5 **WITH THE PROVISIONS OF THIS SUBTITLE MAY NOT BE SUBJECT TO THE SEIZURE OR**  
6 **FORFEITURE OF ANY REAL OR PERSONAL PROPERTY USED IN CONNECTION WITH A**  
7 **PROGRAM UNDER STATE OR LOCAL LAW.**

8 **24-1507.**

9           **NOTWITHSTANDING THE PROVISIONS OF § 24-1506 OF THIS SUBTITLE, A**  
10 **PROPERTY OWNER, A MANAGER, AN EMPLOYEE, A VOLUNTEER, OR AN INDIVIDUAL**  
11 **USING THE SERVICES OF A PROGRAM IS NOT IMMUNE FROM CRIMINAL**  
12 **PROSECUTION FOR ANY ACTIVITIES NOT AUTHORIZED OR APPROVED BY THE**  
13 **PROGRAM.**

14           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
15 **October 1, 2016.**