

Chapter 46

**(Senate Bill 91)**

AN ACT concerning

**Public Health – State-Identified HIV Priorities**

FOR the purpose of requiring certain rebates received by the Department of Health and Mental Hygiene from the Maryland AIDS Drug Assistance Program to be distributed to a certain fund and used only to fund certain HIV prevention, surveillance, and care services; requiring the Secretary of Health and Mental Hygiene to adopt certain regulations; and generally relating to State-identified priorities for HIV prevention, surveillance, and care services.

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 2-104(j)  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

**Article – Health – General**

2-104.

(j) (1) Except as otherwise provided by law and [paragraph] PARAGRAPHS (2) AND (3) of this subsection, the Secretary shall pay all money collected by the Department under this article into the General Fund of this State.

(2) Any rebates received by the Department from the Maryland AIDS Drug Assistance Program shall be distributed to a special nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article, to be used only to fund:

(i) The Maryland AIDS Drug Assistance Program (MADAP);

(ii) The Maryland AIDS Drug Assistance Program Plus (MADAP-Plus); and

(iii) Any other services to eligible individuals as allowable under Part B of the federal Ryan White HIV/AIDS Program.

**(3) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, ANY REBATES RECEIVED BY THE DEPARTMENT FROM THE MARYLAND AIDS DRUG**

**ASSISTANCE PROGRAM AS A RESULT OF STATE GENERAL FUND EXPENDITURES SHALL BE:**

**(I) DISTRIBUTED TO A SEPARATE SPECIAL NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND**

**(II) USED ONLY TO FUND STATE-IDENTIFIED PRIORITIES FOR HIV PREVENTION, SURVEILLANCE, AND CARE SERVICES.**

**(4) THE SECRETARY SHALL ADOPT REGULATIONS ESTABLISHING, AS APPROPRIATE, INCOME AND OTHER ELIGIBILITY CRITERIA FOR THE RECEIPT OF HIV PREVENTION AND CARE SERVICES FUNDED UNDER PARAGRAPH (3) OF THIS SUBSECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 12, 2016.**