

HB0468/166687/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 468

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “entities;” insert “authorizing a county to cooperate with another county to establish a Program; requiring a local health department or a certain community-based organization to apply to the Department of Health and Mental Hygiene and a local health officer for authorization to operate a Program; authorizing a local health department or a certain community-based organization to apply at any time for authorization to operate a Program; requiring the Department and a local health officer to jointly issue a certain determination; requiring the Department and a local health officer to approve or deny an application for authorization to operate a Program within a certain time period and to provide a certain explanation; authorizing a local health department or a certain community-based organization to appeal a certain decision to the Deputy Secretary for Public Health Services; requiring the Deputy Secretary to grant or deny a certain appeal within a certain time period and to provide a written explanation of a certain decision;”; in line 6, strike “used”; in lines 8 and 9, 26, and 28, in each instance, strike “of Health and Mental Hygiene”; in line 10, strike “exchange” and substitute “Program”; in line 12, strike “exchange used” and substitute “obtain and retain”; in the same line, strike “exchange” and substitute “Program”; in line 16, strike “drug counseling and treatment” and substitute “certain additional”; strike beginning with “individuals” in line 16 down through “drugs” in line 17 and substitute “participants”; strike beginning with “through” in line 17 down through “behaviors” in line 18; in line 18, after the semicolon insert “requiring a Program to provide overdose prevention education and access to naloxone or a certain referral;”; in line 21, after “regulations;” insert “authorizing a Program to provide certain additional services;”; in line 23, strike “advice” and substitute “technical assistance”; strike beginning with “on” in line 23 down through “by” in line 24 and substitute “after receiving technical assistance from”; in line 25, strike the third “certain”; in line 26, strike “or disapproval”; and in line 27, strike “advice” and substitute “technical assistance”.

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On page 2, in line 1, after “card;” insert “requiring a Program to collect and report, at certain intervals, certain data to the Department;”; in line 3, after “member” insert “, Program volunteer,”; strike beginning with “found” in line 3 down through “laws” in line 4 and substitute “arrested, charged, or prosecuted for certain violations”; in line 4, after “circumstances;” insert “providing for the application of this Act;”; and in line 15, strike “24-908” and substitute “24-909”.

AMENDMENT NO. 2

On page 2, in line 20, strike “, hepatitis B, and hepatitis C” and substitute “and viral hepatitis”; in lines 23, 27, 30, 33, and 36, in each instance, strike “exchange” and substitute “services”; and in lines 28 and 31, in each instance, strike “hepatitis C” and substitute “viral hepatitis”.

On page 3, in lines 1, 3, 6, 8, 11, and 14, in each instance, strike “exchange” and substitute “services”.

AMENDMENT NO. 3

On page 3, in line 28, strike “**COMMUNITY-BASED ORGANIZATION**” and substitute “COMMUNITY-BASED ORGANIZATION”; in the same line, strike “AN” and substitute “A PUBLIC OR PRIVATE”; and strike line 32 in its entirety.

On page 4, in lines 1, 4, 8, 10, 12, and 15, strike “(D)”, “(F)”, “(H)”, “(I)”, “(J)”, and “(K)”, respectively, and substitute “(C)”, “(D)”, “(E)”, “(F)”, “(G)”, and “(H)”, respectively; strike in their entirety lines 2 and 3; strike in their entirety lines 6 and 7; in line 12, strike “DRIED”; after line 16, insert:

“(I) “VIRAL HEPATITIS” MEANS INFLAMMATION OF THE LIVER CAUSED BY THE HEPATITIS A, B, C, D, AND E VIRUSES.”;

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in line 21, after “(2)” insert “(I) A COUNTY MAY COOPERATE WITH ANOTHER COUNTY TO ESTABLISH A PROGRAM.”

(II)”;

after line 22, insert:

“(3) THIS SUBTITLE DOES NOT APPLY TO THE AIDS PREVENTION STERILE NEEDLE AND SYRINGE EXCHANGE PILOT PROGRAM ESTABLISHED UNDER SUBTITLE 8 OF THIS TITLE.

(B) (1) (I) A LOCAL HEALTH DEPARTMENT OR COMMUNITY-BASED ORGANIZATION SHALL APPLY TO THE DEPARTMENT AND A LOCAL HEALTH OFFICER FOR AUTHORIZATION TO OPERATE A PROGRAM.

(II) A LOCAL HEALTH DEPARTMENT OR COMMUNITY-BASED ORGANIZATION MAY APPLY AT ANY TIME FOR AUTHORIZATION TO OPERATE A PROGRAM UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(2) THE DEPARTMENT AND A LOCAL HEALTH OFFICER JOINTLY SHALL ISSUE AN AUTHORIZATION DETERMINATION BASED ON THE ABILITY OF A PROGRAM TO MEET THE REQUIREMENTS OF THIS SUBTITLE.

(3) THE DEPARTMENT AND A LOCAL HEALTH OFFICER SHALL:

(I) APPROVE OR DENY AN APPLICATION FOR AUTHORIZATION TO OPERATE A PROGRAM WITHIN 60 DAYS AFTER RECEIVING A COMPLETE APPLICATION; AND

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(II) PROVIDE TO THE APPLICANT A WRITTEN EXPLANATION OF THE DECISION OF THE DEPARTMENT AND LOCAL HEALTH OFFICER.

(4) (I) A LOCAL HEALTH DEPARTMENT OR COMMUNITY-BASED ORGANIZATION MAY APPEAL AN ADVERSE DECISION BY THE DEPARTMENT AND A LOCAL HEALTH OFFICER TO THE DEPUTY SECRETARY FOR PUBLIC HEALTH SERVICES.

(II) THE DEPUTY SECRETARY SHALL:

1. GRANT OR DENY AN APPEAL WITHIN 60 DAYS AFTER RECEIVING AN APPEAL; AND

2. PROVIDE A WRITTEN EXPLANATION OF THE DEPUTY SECRETARY'S DECISION TO THE LOCAL HEALTH DEPARTMENT OR COMMUNITY-BASED ORGANIZATION.”;

in line 23, strike “(B)” and substitute “(C)”; and strike beginning with “SERVICES,” in line 26 down through “STERILE” in line 27 and substitute “SERVICES TO PARTICIPANTS, INCLUDING DISTRIBUTION AND COLLECTION OF”.

On page 5, in line 1, strike “ADVICE” and substitute “TECHNICAL ASSISTANCE”; in lines 10 and 13, in each instance, strike “EXCHANGE” and substitute “PROGRAM”; in line 12, strike “EXCHANGE USED” and substitute “OBTAIN AND RETURN”; in line 20, strike “THE HEPATITIS C VIRUS” and substitute “VIRAL HEPATITIS”; strike beginning with “SUBSTANCE-RELATED” in line 21 down through “SERVICES;” in line 22 and substitute “ADDITIONAL SERVICES, INCLUDING:

(I) SUBSTANCE-RELATED DISORDER COUNSELING, TREATMENT, AND RECOVERY SERVICES;

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

(III) REPRODUCTIVE HEALTH EDUCATION AND SERVICES;

(IV) WOUND CARE; AND

(V) THE SERVICES OF AN OVERDOSE RESPONSE PROGRAM UNDER TITLE 13, SUBTITLE 31 OF THIS ARTICLE;

in line 23, strike “INDIVIDUALS WHO INJECT DRUGS” and substitute “PARTICIPANTS”; strike beginning with “HIV,” in line 24 down through “BEHAVIORS” in line 25 and substitute “HIV AND VIRAL HEPATITIS”; after line 25, insert:

“(8) PROVIDE OVERDOSE PREVENTION EDUCATION AND ACCESS TO NALOXONE, OR A REFERRAL FOR A PARTICIPANT TO OBTAIN NALOXONE;”;

and in line 26, strike “(8)” and substitute “(9)”.

On page 6, in lines 1 and 4, strike “(9)” and “(10)”, respectively, and substitute “(10)” and “(11)”, respectively; in line 2, after “MEMBERS” insert “AND PROGRAM VOLUNTEERS”; after line 5, insert:

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

(1) SUBSTANCE-RELATED DISORDER COUNSELING, TREATMENT, AND RECOVERY SERVICES;

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

(3) REPRODUCTIVE HEALTH EDUCATION AND SERVICES;

(4) WOUND CARE; AND

(5) THE SERVICES OF AN OVERDOSE RESPONSE PROGRAM UNDER TITLE 13, SUBTITLE 31 THIS ARTICLE.”;

in lines 6 and 14, strike “(B)” and “(C)”, respectively, and substitute “(C)” and “(D)”, respectively; in line 6, strike “ADVICE” and substitute “TECHNICAL ASSISTANCE”; strike beginning with “FURNISHING” in line 8 down through “EXCHANGE” in line 9 and substitute “DISTRIBUTION, COLLECTION, AND SAFE DISPOSAL”; strike beginning with “TO” in line 9 down through “DRUGS” in line 10; in line 14, strike “ON THE RECOMMENDATION OF” and substitute “AFTER RECEIVING TECHNICAL ASSISTANCE FROM”; in line 18, strike “(B)” and substitute “(C)”; and strike beginning with “OR” in line 18 down through “IMPLEMENTATION” in line 19.

AMENDMENT NO. 4

On page 6, in line 30, after “ISSUES” insert “RELATED TO SUBSTANCE-RELATED DISORDERS OR INFECTIOUS DISEASES”.

On page 7, in line 5, strike “THE HEPATITIS C VIRUS” and substitute “VIRAL HEPATITIS”; in line 6, strike “SUBSTANCE-RELATED DISORDER COUNSELOR” and substitute “HEALTH CARE PRACTITIONER WITH EXPERIENCE PROVIDING SERVICES TO INDIVIDUALS WHO INJECT DRUGS”; in line 7, strike “IN RECOVERY WHO INJECTED DRUGS” and substitute “WITH SUBSTANCE USE EXPERIENCE”; after line 7, insert:

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“(7) ONE FAMILY MEMBER OF AN INDIVIDUAL WHO INJECTS OR HAS INJECTED DRUGS;”;

in lines 8, 9, 10, 11, and 13, strike “(7)”, “(8)”, “(9)”, “(10)”, and “(11)”, respectively, and substitute “(8)”, “(9)”, “(10)”, “(11)”, and “(12)”, respectively; in line 11, strike “EXCHANGE” and substitute “SERVICES”; in line 18, strike “ADVISE” and substitute “PROVIDE TECHNICAL ASSISTANCE TO”; strike beginning with “THE” in line 19 down through “EXCHANGE” in line 20 and substitute “COLLECTION AND DISTRIBUTION”; strike beginning with “TO” in line 20 down through “DRUGS” in line 21; and in line 24, after “SERVICES;” insert “AND”.

On pages 7 and 8, strike in their entirety the lines beginning with line 25 on page 7 through line 5 on page 8, inclusive.

On page 8, in line 6, strike “(3)” and substitute “(2)”; strike beginning with “INCLUDE” in line 17 down through “EVALUATION.” in line 18 and substitute “ESTABLISH:”

(1) PROCEDURES FOR ENSURING THE SECURITY OF PROGRAM LOCATIONS AND EQUIPMENT;

(2) AN APPEALS PROCESS FOR APPEALS AUTHORIZED BY § 29-902(B)(4) OF THIS SUBTITLE, INCLUDING THE STANDARD OF REVIEW THAT THE DEPUTY SECRETARY FOR PUBLIC HEALTH SERVICES MUST APPLY WHEN REVIEWING A DECISION OF THE DEPARTMENT AND A LOCAL HEALTH OFFICER; AND

(3) PROCEDURES FOR DATA COLLECTION AND PROGRAM EVALUATION.”;

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in lines 20 and 21, in each instance, strike “AN” and substitute “A UNIQUE”; in line 22, after “THE” insert “UNIQUE”; in the same line, strike “SHALL” and substitute “MAY NOT”; and strike beginning with “A” in line 22 down through “PERTINENT” in line 23 and substitute “ANY PERSONAL IDENTIFYING”.

On page 9, strike beginning with “PARTICIPATING” in line 4 down through “PROGRAM” in line 5 and substitute “FOR PURPOSES OF LINKING TO SERVICES UNDER § 24-903(A)(6) OF THIS SUBTITLE”.

AMENDMENT NO. 5

On page 9, after line 16, insert:

“24-907.

A PROGRAM SHALL COLLECT AND REPORT AT LEAST ANNUALLY THE FOLLOWING DATA TO THE DEPARTMENT:

- (1) THE NUMBER OF PARTICIPANTS SERVED BY THE PROGRAM;
- (2) THE NUMBER OF NEW PARTICIPANTS REGISTERED BY THE PROGRAM DURING THE REPORTING PERIOD;
- (3) DEMOGRAPHIC PROFILES OF PARTICIPANTS SERVED BY THE PROGRAM, INCLUDING:
 - (I) AGE;
 - (II) GENDER;
 - (III) RACE;

(IV) ZIP CODE; AND

(V) TYPES OF DRUGS USED;

(4) THE NUMBER OF HYPODERMIC NEEDLES AND SYRINGES
DISTRIBUTED AND COLLECTED;

(5) EACH LOCATION AT WHICH HYPODERMIC NEEDLES AND
SYRINGES WERE DISTRIBUTED; AND

(6) THE NUMBER OF LINKAGES PROVIDED TO PARTICIPANTS
UNDER § 24-903(A)(6) OF THIS SUBTITLE.”;

in lines 17 and 34, strike “**24-907.**” and “**24-908.**”, respectively, and substitute “**24-908.**” and “**24-909.**”, respectively; in line 18, strike “**NO**” and substitute “**A**”; in the same line, after “**MEMBER**” insert “**, PROGRAM VOLUNTEER,**”; in the same line, after “**MAY**” insert “**NOT**”; in line 19, strike “**FOUND GUILTY OF**” and substitute “**ARRESTED, CHARGED, OR PROSECUTED FOR**”; in the same line, strike “**§ 5-902, OR § 5-904**” and substitute “**OR § 5-902(C) OR (D)**”; in line 23, after “**EMPLOYEE’S**” insert “**, VOLUNTEER’S,**”; in line 26, after “**MEMBER**” insert “**, PROGRAM VOLUNTEER,**”; strike beginning with the colon in line 27 down through “**ANY**” in line 28 and substitute “**ANY**”; in line 28, strike “**PROGRAM;**” and substitute “**PROGRAM.**”; and strike in their entirety lines 29 through 33, inclusive.

On page 10, in line 4, after “**MEMBER**” insert “**, PROGRAM VOLUNTEER,**”.