

HOUSE BILL 359

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8lr0159
CF SB 309

By: **The Speaker (By Request – Administration)**

Introduced and read first time: January 24, 2018

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health – Reporting of Overdose Information**

3 FOR the purpose of authorizing emergency medical services providers and law enforcement
4 officers to report certain overdoses using a certain information technology platform;
5 requiring that the report include certain information; requiring the emergency
6 medical services provider or law enforcement officer making a report to make certain
7 efforts to make the report within a certain time period; requiring the Maryland
8 Institute for Emergency Medical Services Systems to report certain information to a
9 certain information technology platform under certain circumstances; prohibiting
10 certain information from being used for a criminal investigation or prosecution;
11 providing for immunity from civil and criminal liability under certain circumstances;
12 defining certain terms; and generally relating to the reporting of overdose
13 information.

14 BY repealing and reenacting, without amendments,
15 Article – Education
16 Section 13–516(a)(1) and (7)
17 Annotated Code of Maryland
18 (2014 Replacement Volume and 2017 Supplement)

19 BY adding to
20 Article – Health – General
21 Section 13–3601 and 13–3602 to be under the new subtitle “Subtitle 36. Reporting of
22 Overdoses”
23 Annotated Code of Maryland
24 (2015 Replacement Volume and 2017 Supplement)

25 BY repealing and reenacting, without amendments,
26 Article – Public Safety
27 Section 3–101(e)
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2011 Replacement Volume and 2017 Supplement)

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

Article – Education

13–516.

(a) (1) In this section the following words have the meanings indicated.

(7) “Emergency medical services provider” means an individual licensed or certified by the EMS Board as:

- (i) A cardiac rescue technician;
- (ii) An emergency medical dispatcher;
- (iii) An emergency medical responder;
- (iv) An emergency medical technician; or
- (v) A paramedic.

Article – Health – General

SUBTITLE 36. REPORTING OF OVERDOSES.

13–3601.

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

(B) “EMERGENCY MEDICAL SERVICES PROVIDER” HAS THE MEANING STATED IN § 13–516 OF THE EDUCATION ARTICLE.

(C) “LAW ENFORCEMENT OFFICER” HAS THE MEANING STATED IN § 3–101 OF THE PUBLIC SAFETY ARTICLE.

(D) “OVERDOSE” MEANS A CONDITION, INCLUDING EXTREME PHYSICAL ILLNESS, DECREASED LEVEL OF CONSCIOUSNESS, RESPIRATORY DEPRESSION, COMA, OR DEATH, RESULTING FROM THE CONSUMPTION OR USE OF ANY CONTROLLED DANGEROUS SUBSTANCE THAT REQUIRES MEDICAL ATTENTION, ASSISTANCE, OR TREATMENT, AND CLINICAL SUSPICION FOR DRUG OVERDOSE, INCLUDING RESPIRATORY DEPRESSION, UNCONSCIOUSNESS, OR ALTERED MENTAL

1 STATE, WITHOUT OTHER CONDITIONS TO EXPLAIN THE CLINICAL CONDITION.

2 13-3602.

3 (A) AN EMERGENCY MEDICAL SERVICES PROVIDER OR A LAW
4 ENFORCEMENT OFFICER WHO TREATS AND RELEASES OR TRANSPORTS TO A
5 MEDICAL FACILITY AN INDIVIDUAL EXPERIENCING A SUSPECTED OR AN ACTUAL
6 OVERDOSE MAY REPORT THE INCIDENT USING AN APPROPRIATE INFORMATION
7 TECHNOLOGY PLATFORM WITH SECURE ACCESS, INCLUDING THE
8 WASHINGTON/BALTIMORE HIGH INTENSITY DRUG TRAFFICKING AREA OVERDOSE
9 DETECTION MAPPING APPLICATION PROGRAM, OR ANY OTHER PROGRAM
10 OPERATED BY THE FEDERAL GOVERNMENT OR A UNIT OF STATE OR LOCAL
11 GOVERNMENT.

12 (B) A REPORT OF AN OVERDOSE MADE UNDER THIS SECTION SHALL
13 INCLUDE:

14 (1) THE DATE AND TIME OF THE OVERDOSE;

15 (2) THE APPROXIMATE ADDRESS WHERE THE OVERDOSE VICTIM WAS
16 INITIALLY ENCOUNTERED OR WHERE THE OVERDOSE OCCURRED;

17 (3) WHETHER AN OPIOID OVERDOSE REVERSAL DRUG WAS
18 ADMINISTERED; AND

19 (4) WHETHER THE OVERDOSE WAS FATAL OR NONFATAL.

20 (C) IF AN EMERGENCY MEDICAL SERVICES PROVIDER OR A LAW
21 ENFORCEMENT OFFICER REPORTS AN OVERDOSE UNDER THIS SECTION, THE
22 EMERGENCY MEDICAL SERVICES PROVIDER OR LAW ENFORCEMENT OFFICER
23 MAKING THE REPORT SHALL MAKE BEST EFFORTS TO MAKE THE REPORT WITHIN 24
24 HOURS AFTER RESPONDING TO THE INCIDENT.

25 (D) ON RECEIPT OF A PATIENT CARE REPORT THAT INDICATES AN
26 OVERDOSE, THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES
27 SYSTEMS SHALL REPORT THE INFORMATION LISTED UNDER SUBSECTION (B) OF
28 THIS SECTION TO AN APPROPRIATE INFORMATION TECHNOLOGY PLATFORM WITH
29 SECURE ACCESS, INCLUDING THE WASHINGTON/BALTIMORE HIGH INTENSITY
30 DRUG TRAFFICKING AREA OVERDOSE DETECTION MAPPING APPLICATION, OR ANY
31 OTHER PROGRAM OPERATED BY THE FEDERAL GOVERNMENT OR A UNIT OF STATE
32 OR LOCAL GOVERNMENT.

33 (E) OVERDOSE INFORMATION REPORTED BY AN EMERGENCY MEDICAL
34 SERVICES PROVIDER UNDER SUBSECTION (A) OF THIS SECTION OR BY THE

1 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS UNDER
2 SUBSECTION (D) OF THIS SECTION MAY NOT BE USED FOR A CRIMINAL
3 INVESTIGATION OR PROSECUTION.

4 (F) AN EMERGENCY MEDICAL SERVICES PROVIDER OR A LAW
5 ENFORCEMENT OFFICER WHO IN GOOD FAITH MAKES A REPORT UNDER THIS
6 SECTION SHALL BE IMMUNE FROM CIVIL OR CRIMINAL LIABILITY FOR MAKING THE
7 REPORT.

8 **Article – Public Safety**

9 3–101.

- 10 (e) (1) “Law enforcement officer” means an individual who:
- 11 (i) in an official capacity is authorized by law to make arrests; and
- 12 (ii) is a member of one of the following law enforcement agencies:
- 13 1. the Department of State Police;
 - 14 2. the Police Department of Baltimore City;
 - 15 3. the Baltimore City School Police Force;
 - 16 4. the Baltimore City Watershed Police Force;
 - 17 5. the police department, bureau, or force of a county;
 - 18 6. the police department, bureau, or force of a municipal
19 corporation;
 - 20 7. the office of the sheriff of a county;
 - 21 8. the police department, bureau, or force of a bicounty
22 agency;
 - 23 9. the Maryland Transportation Authority Police;
 - 24 10. the police forces of the Department of Transportation;
 - 25 11. the police forces of the Department of Natural Resources;
 - 26 12. the Field Enforcement Bureau of the Comptroller’s Office;
 - 27 13. the Housing Authority of Baltimore City Police Force;

- 1 14. the Crofton Police Department;
- 2 15. the police force of the Maryland Department of Health;
- 3 16. the police force of the Maryland Capitol Police of the
4 Department of General Services;
- 5 17. the police force of the Department of Labor, Licensing, and
6 Regulation;
- 7 18. the police forces of the University System of Maryland;
- 8 19. the police force of Morgan State University;
- 9 20. the office of State Fire Marshal;
- 10 21. the Ocean Pines Police Department;
- 11 22. the police force of the Baltimore City Community College;
- 12 23. the police force of the Hagerstown Community College;
- 13 24. the Internal Investigation Unit of the Department of
14 Public Safety and Correctional Services;
- 15 25. the Warrant Apprehension Unit of the Division of Parole
16 and Probation in the Department of Public Safety and Correctional Services; or
- 17 26. the police force of the Anne Arundel Community College.

18 (2) “Law enforcement officer” does not include:

19 (i) an individual who serves at the pleasure of the Police
20 Commissioner of Baltimore City;

21 (ii) an individual who serves at the pleasure of the appointing
22 authority of a charter county;

23 (iii) the police chief of a municipal corporation;

24 (iv) an officer who is in probationary status on initial entry into the
25 law enforcement agency except if an allegation of brutality in the execution of the officer’s
26 duties is made;

27 (v) a Montgomery County fire and explosive investigator as defined
28 in § 2–208.1 of the Criminal Procedure Article;

1 (vi) an Anne Arundel County or City of Annapolis fire and explosive
2 investigator as defined in § 2–208.2 of the Criminal Procedure Article;

3 (vii) a Prince George’s County fire and explosive investigator as
4 defined in § 2–208.3 of the Criminal Procedure Article;

5 (viii) a Worcester County fire and explosive investigator as defined in
6 § 2–208.4 of the Criminal Procedure Article;

7 (ix) a City of Hagerstown fire and explosive investigator as defined
8 in § 2–208.5 of the Criminal Procedure Article; or

9 (x) a Howard County fire and explosive investigator as defined in §
10 2–208.6 of the Criminal Procedure Article.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
12 1, 2018.