

HOUSE BILL 359

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8lr0159
CF SB 309

By: **The Speaker (By Request – Administration) and Delegates Pendergrass, Bromwell, Barron, Cullison, Hill, Kelly, Kipke, Krebs, Metzgar, Miele, Morales, Morgan, Morhaim, Pena–Melnyk, Platt, Rosenberg, Saab, Szeliga, West, and K. Young**

Introduced and read first time: January 24, 2018

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2018

CHAPTER _____

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 prohibiting a law enforcement agency from publicly publishing a certain address
12 except under certain circumstances; requiring the Opioid Operational Command
13 Center to provide a certain report to certain committees of the General Assembly on
14 or before a certain date; stating the intent of the General Assembly regarding the
15 reporting of certain information under certain circumstances; providing for
16 immunity from civil and criminal liability under certain circumstances; defining
17 certain terms; and generally relating to the reporting of overdose information.

18 BY repealing and reenacting, without amendments,

19 Article – Education

20 Section 13–516(a)(1) and (7)

21 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2014 Replacement Volume and 2017 Supplement)

BY adding to

Article – Health – General

Section ~~13-3601 and 13-3602~~ through 13-3603 to be under the new subtitle

“Subtitle 36. Reporting of Overdoses”

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Safety

Section 3-101(e)

Annotated Code of Maryland

(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.

1 (B) "EMERGENCY MEDICAL SERVICES PROVIDER" HAS THE MEANING
2 STATED IN § 13-516 OF THE EDUCATION ARTICLE.

3 (C) "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED IN § 3-101
4 OF THE PUBLIC SAFETY ARTICLE.

5 (D) "OVERDOSE" MEANS A CONDITION, INCLUDING EXTREME PHYSICAL
6 ILLNESS, DECREASED LEVEL OF CONSCIOUSNESS, RESPIRATORY DEPRESSION,
7 COMA, OR DEATH, RESULTING FROM THE CONSUMPTION OR USE OF ANY
8 CONTROLLED DANGEROUS SUBSTANCE THAT REQUIRES MEDICAL ATTENTION,
9 ASSISTANCE, OR TREATMENT, AND CLINICAL SUSPICION FOR DRUG OVERDOSE,
10 INCLUDING RESPIRATORY DEPRESSION, UNCONSCIOUSNESS, OR ALTERED MENTAL
11 STATE, WITHOUT OTHER CONDITIONS TO EXPLAIN THE CLINICAL CONDITION.

12 13-3602.

13 (A) AN EMERGENCY MEDICAL SERVICES PROVIDER OR A LAW
14 ENFORCEMENT OFFICER WHO TREATS AND RELEASES OR TRANSPORTS TO A
15 MEDICAL FACILITY AN INDIVIDUAL EXPERIENCING A SUSPECTED OR AN ACTUAL
16 OVERDOSE MAY REPORT THE INCIDENT USING AN APPROPRIATE INFORMATION
17 TECHNOLOGY PLATFORM WITH SECURE ACCESS, INCLUDING THE
18 WASHINGTON/BALTIMORE HIGH INTENSITY DRUG TRAFFICKING AREA OVERDOSE
19 DETECTION MAPPING APPLICATION PROGRAM, OR ANY OTHER PROGRAM
20 OPERATED BY THE FEDERAL GOVERNMENT OR A UNIT OF STATE OR LOCAL
21 GOVERNMENT.

22 (B) A REPORT OF AN OVERDOSE MADE UNDER THIS SECTION SHALL
23 INCLUDE:

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

25 (2) THE APPROXIMATE ADDRESS WHERE THE OVERDOSE VICTIM WAS
26 INITIALLY ENCOUNTERED OR WHERE THE OVERDOSE OCCURRED;

27 (3) WHETHER AN OPIOID OVERDOSE REVERSAL DRUG WAS
28 ADMINISTERED; AND

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

30 (C) IF AN EMERGENCY MEDICAL SERVICES PROVIDER OR A LAW
31 ENFORCEMENT OFFICER REPORTS AN OVERDOSE UNDER THIS SECTION, THE
32 EMERGENCY MEDICAL SERVICES PROVIDER OR LAW ENFORCEMENT OFFICER
33 MAKING THE REPORT SHALL MAKE BEST EFFORTS TO MAKE THE REPORT WITHIN 24
34 HOURS AFTER RESPONDING TO THE INCIDENT.

1 (D) ON RECEIPT OF A PATIENT CARE REPORT THAT INDICATES AN
2 OVERDOSE, THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES
3 SYSTEMS SHALL REPORT THE INFORMATION LISTED UNDER SUBSECTION (B) OF
4 THIS SECTION TO AN APPROPRIATE INFORMATION TECHNOLOGY PLATFORM WITH
5 SECURE ACCESS, INCLUDING THE WASHINGTON/BALTIMORE HIGH INTENSITY
6 DRUG TRAFFICKING AREA OVERDOSE DETECTION MAPPING APPLICATION, OR ANY
7 OTHER PROGRAM OPERATED BY THE FEDERAL GOVERNMENT OR A UNIT OF STATE
8 OR LOCAL GOVERNMENT.

9 (E) OVERDOSE INFORMATION REPORTED BY AN EMERGENCY MEDICAL
10 SERVICES PROVIDER UNDER SUBSECTION (A) OF THIS SECTION OR BY THE
11 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS UNDER
12 SUBSECTION (D) OF THIS SECTION MAY NOT BE USED FOR A CRIMINAL
13 INVESTIGATION OR PROSECUTION.

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

18 **13-3603.**

19 **A LAW ENFORCEMENT AGENCY MAY NOT PUBLICLY PUBLISH THE EXACT**
20 **ADDRESS OF AN OVERDOSE LOCATION UNLESS THERE IS A VALID PUBLIC SAFETY**
21 **CONCERN.**

22 **Article – Public Safety**

23 3-101.

24 (e) (1) “Law enforcement officer” means an individual who:

25 (i) in an official capacity is authorized by law to make arrests; and

26 (ii) is a member of one of the following law enforcement agencies:

27 1. the Department of State Police;

28 2. the Police Department of Baltimore City;

29 3. the Baltimore City School Police Force;

30 4. the Baltimore City Watershed Police Force;

1 26. the police force of the Anne Arundel Community College.

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

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

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

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

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

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

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

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

17 (viii) a Worcester County fire and explosive investigator as defined in
18 § 2–208.4 of the Criminal Procedure Article;

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

21 (x) a Howard County fire and explosive investigator as defined in §
22 2–208.6 of the Criminal Procedure Article.

23 SECTION 2. AND BE IT FURTHER ENACTED, That, unless overdose information
24 is otherwise reported through the Maryland Institute for Emergency Medical Services
25 Systems as required under Section 1 of this Act, it is the intent of the General Assembly
26 that emergency medical service providers and law enforcement officers report, to the extent
27 possible, overdose information via an appropriate information technology platform with
28 secure access for the purpose of making decisions regarding the allocation of public health
29 and educational resources.

30 SECTION 3. AND BE IT FURTHER ENACTED, That:

31 (a) On or before January 1, 2019, the Opioid Operational Command Center shall
32 provide a comprehensive report to the Senate Finance Committee and the House Health

1 and Government Operations Committee, in accordance with § 2-1246 of the State
2 Government Article, regarding the reporting of overdose information using an information
3 technology platform as authorized under Section 1 of this Act.

4 (b) The report required under subsection (a) of this section shall include
5 information regarding:

6 (1) the number of overdoses reported and the approximate locations where
7 the overdoses occurred, including any clusters of overdoses;

8 (2) who made the reports;

9 (3) how the reports were used for public health and public safety responses,
10 the outcomes of the public health and public safety interventions, and the impact on
11 affected communities; and

12 (4) when, if ever, an exact address of an overdose location was publicly
13 published and the reason for publishing the address.

14 SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 July 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.