

# HOUSE BILL 771

J1, E4

8lr1013

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By: **Delegates Cassilly and Szeliga**

Introduced and read first time: February 1, 2018

Assigned to: Health and Government Operations and Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Opioid Overdoses – Prohibition and Rehabilitation Order**

3 FOR the purpose of prohibiting an individual from overdosing on an opioid and requiring  
4 and receiving an opioid overdose reversal drug from a certain first responder as a  
5 consequence of the overdose; requiring a first responder who successfully  
6 administers an opioid overdose reversal drug to a certain individual to provide the  
7 individual with a referral to receive certain treatment and to issue the individual a  
8 certain rehabilitation order; requiring the order to direct the individual to obtain  
9 certain treatment, and to contain certain information; establishing a certain penalty  
10 for a violation of certain provisions of this Act; requiring an individual who violates  
11 certain provisions of this Act to pay the penalty or request a certain hearing in  
12 District Court; requiring the District Court to impose a certain penalty and to waive  
13 the penalty under certain circumstances; requiring the District Court to transfer  
14 certain money collected by the court to certain jurisdictions or entities as restitution  
15 for certain costs under certain circumstances; establishing that the court may use its  
16 contempt power to enforce a certain order under certain circumstances; establishing  
17 that an individual held in contempt of a certain order is subject to imprisonment for  
18 a certain period; defining certain terms; and generally relating to opioid overdoses.

19 BY adding to

20 Article – Health – General

21 Section 8–510

22 Annotated Code of Maryland

23 (2015 Replacement Volume and 2017 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

25 That the Laws of Maryland read as follows:

26 **Article – Health – General**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **8-510.**

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
3 INDICATED.

4 (2) "FIRST RESPONDER" HAS THE MEANING STATED IN § 18-213.2 OF  
5 THIS ARTICLE.

6 (3) "OPIOID OVERDOSE REVERSAL DRUG" HAS THE MEANING STATED  
7 IN § 13-3501 OF THIS ARTICLE.

8 (B) AN INDIVIDUAL MAY NOT:

9 (1) OVERDOSE ON AN OPIOID; AND

10 (2) AS A CONSEQUENCE OF THE OVERDOSE, REQUIRE AND RECEIVE  
11 THE ADMINISTRATION OF AN OPIOID OVERDOSE REVERSAL DRUG BY A FIRST  
12 RESPONDER.

13 (C) IF A FIRST RESPONDER SUCCESSFULLY ADMINISTERS AN OPIOID  
14 OVERDOSE REVERSAL DRUG TO AN INDIVIDUAL EXPERIENCING, OR BELIEVED TO BE  
15 EXPERIENCING, AN OVERDOSE IN VIOLATION OF SUBSECTION (B) OF THIS SECTION,  
16 THE FIRST RESPONDER SHALL:

17 (1) PROVIDE THE INDIVIDUAL WITH A REFERRAL TO RECEIVE  
18 FURTHER TREATMENT FOR OPIOID USE DISORDER; AND

19 (2) ISSUE THE INDIVIDUAL A REHABILITATION ORDER.

20 (D) THE REHABILITATION ORDER SHALL DIRECT THE INDIVIDUAL TO  
21 OBTAIN TREATMENT FOR OPIOID USE DISORDER AND CONTAIN:

22 (1) THE NAME AND ADDRESS OF THE INDIVIDUAL CHARGED;

23 (2) THE NATURE OF THE VIOLATION;

24 (3) THE LOCATION, DATE, AND TIME THAT THE VIOLATION  
25 OCCURRED;

26 (4) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE DATE BY  
27 WHICH THE INDIVIDUAL SHALL PAY THE CIVIL PENALTY;

28 (5) A NOTICE IN BOLDFACE TYPE THAT STATES THAT THE INDIVIDUAL

1 SHALL:

2 (I) PAY THE FULL AMOUNT OF THE CIVIL PENALTY; OR

3 (II) REQUEST A HEARING AT THE DATE, TIME, AND PLACE  
4 ESTABLISHED BY THE DISTRICT COURT BY WRIT; AND

5 (6) THE SIGNATURE OF THE FIRST RESPONDER ISSUING THE  
6 CITATION.

7 (E) (1) AN INDIVIDUAL WHO VIOLATES SUBSECTION (B) OF THIS SECTION  
8 IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$50.

9 (2) IF AN INDIVIDUAL VIOLATES SUBSECTION (B) OF THIS SECTION,  
10 THE INDIVIDUAL SHALL:

11 (I) PAY THE FULL AMOUNT OF THE CIVIL PENALTY; OR

12 (II) REQUEST A HEARING AT THE DATE, TIME, AND PLACE  
13 ESTABLISHED BY THE DISTRICT COURT BY WRIT.

14 (F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE DISTRICT  
15 COURT SHALL ORDER THE INDIVIDUAL TO PAY THE CIVIL PENALTY ESTABLISHED  
16 UNDER SUBSECTION (E) OF THIS SECTION FOR A VIOLATION OF SUBSECTION (B) OF  
17 THIS SECTION.

18 (2) THE DISTRICT COURT SHALL WAIVE THE CIVIL PENALTY IF:

19 (I) THE VIOLATION IS THE FIRST OR SECOND VIOLATION OF  
20 SUBSECTION (B) OF THIS SECTION BY THE INDIVIDUAL; OR

21 (II) THE INDIVIDUAL OBTAINS TREATMENT FOR OPIOID USE  
22 DISORDER.

23 (3) IF THE DISTRICT COURT COLLECTS A CIVIL PENALTY FOR A  
24 VIOLATION OF THIS SECTION, THE COURT SHALL TRANSFER THE MONEY  
25 COLLECTED TO THE STATE, THE LOCAL JURISDICTION, OR ANY OTHER ENTITY AS  
26 RESTITUTION FOR THE COST OF ADMINISTERING AN OPIOID OVERDOSE REVERSAL  
27 DRUG TO THE INDIVIDUAL.

28 (G) (1) THE DISTRICT COURT MAY USE ITS CONTEMPT POWER TO  
29 ENFORCE AN ORDER ISSUED UNDER THIS SECTION IF THE INDIVIDUAL FAILS TO:

1                                   **(I)    PAY A CIVIL PENALTY ORDERED UNDER SUBSECTION (F) OF**  
2 **THIS SECTION; OR**

3                                   **(II)   OBTAIN TREATMENT FOR OPIOID USE DISORDER.**

4                                   **(2)    AN INDIVIDUAL HELD IN CONTEMPT OF A COURT ORDER ISSUED**  
5 **UNDER THIS SECTION IS SUBJECT TO NOT LESS THAN 30 DAYS IMPRISONMENT.**

6                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2018.