

SENATE BILL 392

J3
SB 400/17 – FIN

8lr3056
CF 8lr1595

By: **Senator Young**

Introduced and read first time: January 25, 2018

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Department of Health – Biosafety Level 3 Laboratories**

3 FOR the purpose of requiring the Maryland Department of Health to develop and make
4 available a certain form; requiring certain biosafety level 3 (BSL–3) laboratories to
5 report annually, on or before a certain date, certain information to the Department;
6 requiring the Department to report annually, on or before a certain date each year,
7 the number and location of the laboratories, in total and by local jurisdiction, to
8 certain officials in each local jurisdiction in the State, and the total number of the
9 laboratories to the Governor and the General Assembly; providing that, except as
10 provided under certain provisions of this Act, certain information is confidential and
11 not subject to inspection under certain provisions of law; establishing certain
12 penalties; requiring the Department to develop a strategy for a certain purpose;
13 defining a certain term; providing for the application of this Act; and generally
14 relating to biosafety level 3 (BSL–3) laboratories.

15 BY adding to

16 Article – Health – General

17 Section 17–701 to be under the new subtitle “Subtitle 7. Biosafety Level 3 (BSL–3)
18 Laboratories”

19 Annotated Code of Maryland

20 (2015 Replacement Volume and 2017 Supplement)

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

23 **Article – Health – General**

24 **SUBTITLE 7. BIOSAFETY LEVEL 3 (BSL–3) LABORATORIES.**

25 **17–701.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) IN THIS SECTION, “BSL-3 LABORATORY” MEANS A LABORATORY
2 DESIGNATED AS A BIOSAFETY LEVEL 3 (BSL-3) LABORATORY BY THE FEDERAL
3 CENTERS FOR DISEASE CONTROL AND PREVENTION AND THE U.S. DEPARTMENT
4 OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE, AS
5 APPLICABLE, BASED ON:

6 (1) USAGE OF BIOLOGICAL AGENTS THAT MAY CAUSE SERIOUS OR
7 POTENTIALLY LETHAL DISEASE AFTER INHALATION, INGESTION, OR ABSORPTION;
8 AND

9 (2) REQUIRED BIOCONTAINMENT PRECAUTIONS.

10 (B) THIS SECTION APPLIES TO EACH BSL-3 LABORATORY IN THE STATE
11 THAT:

12 (1) DOES NOT WORK WITH FEDERALLY REGULATED BIOLOGICAL
13 SELECT AGENTS AND TOXINS OR THEIR PRODUCTS; AND

14 (2) (I) IS A COMMERCIAL OR FOR-PROFIT LABORATORY;

15 (II) IS OWNED BY OR IS PART OF A TEACHING HOSPITAL OR AN
16 INSTITUTION OF POST-SECONDARY EDUCATION; OR

17 (III) IS A PRIVATELY FUNDED BIOMEDICAL RESEARCH
18 LABORATORY.

19 (C) THE DEPARTMENT SHALL DEVELOP AND MAKE AVAILABLE A
20 STANDARDIZED FORM FOR A BSL-3 LABORATORY SUBJECT TO THIS SECTION TO
21 USE TO PROVIDE THE INFORMATION REQUIRED UNDER SUBSECTION (D) OF THIS
22 SECTION.

23 (D) ON OR BEFORE SEPTEMBER 30 EACH YEAR, EACH BSL-3 LABORATORY
24 SUBJECT TO THIS SECTION SHALL REPORT TO THE DEPARTMENT:

25 (1) THE ADDRESS OF THE LABORATORY;

26 (2) THE NAME, TELEPHONE NUMBER, AND E-MAIL ADDRESS OF A
27 CONTACT PERSON FOR THE LABORATORY; AND

28 (3) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT TO
29 DETERMINE THE LOCATION OF THE LABORATORY.

30 (E) ON OR BEFORE DECEMBER 31 EACH YEAR, THE DEPARTMENT SHALL

1 REPORT TO:

2 (1) THE HEALTH OFFICER AND EMERGENCY MANAGEMENT
3 OFFICIALS OF EACH LOCAL JURISDICTION IN THE STATE THE NUMBER AND
4 LOCATION, IN TOTAL AND BY LOCAL JURISDICTION, OF BSL-3 LABORATORIES
5 SUBJECT TO THIS SECTION; AND

6 (2) THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE
7 STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY THE TOTAL NUMBER OF
8 BSL-3 LABORATORIES SUBJECT TO THIS SECTION.

9 (F) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, ANY
10 INFORMATION THE DEPARTMENT COLLECTS FROM BSL-3 LABORATORIES SUBJECT
11 TO THIS SECTION IS CONFIDENTIAL AND NOT SUBJECT TO INSPECTION UNDER
12 TITLE 4 OF THE GENERAL PROVISIONS ARTICLE.

13 (G) (1) A BSL-3 LABORATORY SUBJECT TO THIS SECTION THAT FAILS TO
14 REPORT THE INFORMATION REQUIRED UNDER SUBSECTION (D) OF THIS SECTION IS
15 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
16 EXCEEDING \$100 FOR THE FIRST OFFENSE AND NOT EXCEEDING \$500 FOR EACH
17 SUBSEQUENT CONVICTION.

18 (2) EACH DAY A VIOLATION CONTINUES AFTER THE FIRST
19 CONVICTION IS A SUBSEQUENT OFFENSE.

20 (3) IN ADDITION TO ANY OTHER PENALTIES PROVIDED UNDER THIS
21 SUBSECTION, A BSL-3 LABORATORY SUBJECT TO THIS SECTION THAT FAILS TO
22 REPORT THE INFORMATION REQUIRED UNDER SUBSECTION (D) OF THIS SECTION IS
23 SUBJECT TO AN ADMINISTRATIVE FINE NOT EXCEEDING \$500.

24 SECTION 2. AND BE IT FURTHER ENACTED, That:

25 (a) The Maryland Department of Health shall develop a strategy to attempt to
26 identify biosafety level 3 laboratories that are subject to Section 1 of this Act for the purpose
27 of notifying the laboratories of the requirements of this Act.

28 (b) The strategy may rely on the list of possible laboratories used by the 2013
29 Workgroup on Biocontainment Laboratory Oversight convened by the Maryland
30 Department of Health, information available from biotechnology councils and scientific
31 groups, information available from local government agencies, and other sources that may
32 help to identify biosafety level 3 laboratories subject to Section 1 of this Act.

33 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2018.