

Chapter 149

(House Bill 359)

AN ACT concerning

Health – Reporting of Overdose Information

FOR the purpose of authorizing emergency medical services providers and law enforcement officers to report certain overdoses using a certain information technology platform; requiring that the report include certain information; requiring the emergency medical services provider or law enforcement officer making a report to make certain efforts to make the report within a certain time period; requiring the Maryland Institute for Emergency Medical Services Systems to report certain information to a certain information technology platform under certain circumstances; prohibiting certain information from being used for a criminal investigation or prosecution; prohibiting a law enforcement agency from publicly publishing a certain address except under certain circumstances; requiring the Opioid Operational Command Center to provide a certain report to certain committees of the General Assembly on or before a certain date; stating the intent of the General Assembly regarding the reporting of certain information under certain circumstances; providing for immunity from ~~civil and~~ criminal liability under certain circumstances; defining certain terms; and generally relating to the reporting of overdose information.

BY repealing and reenacting, without amendments,
 Article – Education
 Section 13–516(a)(1) and (7)
 Annotated Code of Maryland
 (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.

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

13-3602.

(A) AN EMERGENCY MEDICAL SERVICES PROVIDER OR A LAW ENFORCEMENT OFFICER WHO TREATS AND RELEASES OR TRANSPORTS TO A

MEDICAL FACILITY AN INDIVIDUAL EXPERIENCING A SUSPECTED OR AN ACTUAL OVERDOSE MAY REPORT THE INCIDENT USING AN APPROPRIATE INFORMATION TECHNOLOGY PLATFORM WITH SECURE ACCESS, INCLUDING THE WASHINGTON/BALTIMORE HIGH INTENSITY DRUG TRAFFICKING AREA OVERDOSE DETECTION MAPPING APPLICATION PROGRAM, OR ANY OTHER PROGRAM OPERATED BY THE FEDERAL GOVERNMENT OR A UNIT OF STATE OR LOCAL GOVERNMENT.

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

(1) THE DATE AND TIME OF THE OVERDOSE;

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

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

(4) WHETHER THE OVERDOSE WAS FATAL OR NONFATAL.

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

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

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

(F) AN EMERGENCY MEDICAL SERVICES PROVIDER OR A LAW ENFORCEMENT OFFICER WHO IN GOOD FAITH MAKES A REPORT UNDER THIS

SECTION SHALL BE IMMUNE FROM ~~CIVIL OR~~ CRIMINAL LIABILITY FOR MAKING THE REPORT.

13-3603.

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

Article – Public Safety

3-101.

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

- (i) in an official capacity is authorized by law to make arrests; and
- (ii) is a member of one of the following law enforcement agencies:

1. the Department of State Police;
2. the Police Department of Baltimore City;
3. the Baltimore City School Police Force;
4. the Baltimore City Watershed Police Force;
5. the police department, bureau, or force of a county;
6. the police department, bureau, or force of a municipal corporation;
7. the office of the sheriff of a county;
8. the police department, bureau, or force of a bicounty agency;
9. the Maryland Transportation Authority Police;
10. the police forces of the Department of Transportation;
11. the police forces of the Department of Natural Resources;
12. the Field Enforcement Bureau of the Comptroller’s Office;
13. the Housing Authority of Baltimore City Police Force;

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

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

- (i) an individual who serves at the pleasure of the Police Commissioner of Baltimore City;
- (ii) an individual who serves at the pleasure of the appointing authority of a charter county;
- (iii) the police chief of a municipal corporation;
- (iv) an officer who is in probationary status on initial entry into the law enforcement agency except if an allegation of brutality in the execution of the officer’s duties is made;

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

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

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

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

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

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

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

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) On or before January 1, 2019, the Opioid Operational Command Center shall provide a comprehensive report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2–1246 of the State Government Article, regarding the reporting of overdose information using an information technology platform as authorized under Section 1 of this Act.

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

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

(2) who made the reports;

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

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

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

Approved by the Governor, April 24, 2018.