

HOUSE BILL 1249

J1

9lr2481
CF SB 657

By: **Delegates Reznik, Atterbeary, B. Barnes, Barron, Cain, Cardin, Conaway, Crutchfield, Cullison, Dumais, Ebersole, W. Fisher, Gilchrist, Guyton, Healey, Hettleman, Hill, Ivey, Jalisi, Kelly, J. Lewis, R. Lewis, Lopez, Moon, Mosby, Palakovich Carr, Pena–Melnyk, Pendergrass, Shetty, Solomon, Sydnor, Terrasa, Valentino–Smith, Wilkins, and P. Young**

Introduced and read first time: February 8, 2019

Assigned to: Health and Government Operations and Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Pilot Program – Alleged Rape, Sexual Offense, or Child Sexual Abuse – HIV**
3 **Postexposure Prophylaxis**

4 FOR the purpose of establishing the Pilot Program for Preventing HIV Infection for Rape
5 Victims; establishing the purpose of the pilot program; requiring the Governor’s
6 Office of Crime Control and Prevention to administer the pilot program; requiring
7 that a victim of an alleged rape or sexual offense or a victim of alleged child sexual
8 abuse be provided with a full course of treatment and follow–up care for postexposure
9 prophylaxis for the prevention of HIV infection at the request of the victim and as
10 prescribed by a health care provider; authorizing a victim who receives treatment
11 under a certain provision of this Act to decline to provide certain information under
12 certain circumstances; requiring the physician, qualified health care provider, or
13 hospital providing a victim with certain treatment to inform the victim of a certain
14 right; requiring that the treatment and follow–up care be provided without charge
15 to the victim under certain circumstances; providing that the physician, qualified
16 health care provider, or hospital providing the treatment or follow–up care is entitled
17 to be paid by the Criminal Injuries Compensation Board under certain
18 circumstances; providing for a certain immunity for certain persons; requiring the
19 Governor’s Office of Crime Control and Prevention to report to the Governor and
20 General Assembly on or before a certain date; defining certain terms; providing for
21 the termination of this Act; and generally relating to the Pilot Program for
22 Preventing HIV Infection for Rape Victims.

23 BY adding to
24 Article – Criminal Procedure
25 Section 11–1008
26 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2018 Replacement Volume)

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

Article – Criminal Procedure

11–1008.

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

(2) “CHILD” MEANS ANY INDIVIDUAL UNDER THE AGE OF 18 YEARS.

(3) “HIV” MEANS THE HUMAN IMMUNODEFICIENCY VIRUS THAT CAUSES ACQUIRED IMMUNE DEFICIENCY SYNDROME.

(4) “PHYSICIAN” HAS THE MEANING STATED IN § 11–1007 OF THIS SUBTITLE.

(5) “QUALIFIED HEALTH CARE PROVIDER” HAS THE MEANING STATED IN § 11–1007 OF THIS SUBTITLE.

(6) “SEXUAL ABUSE” HAS THE MEANING STATED IN § 11–1007 OF THIS SUBTITLE.

(B) (1) THERE IS A PILOT PROGRAM FOR PREVENTING HIV INFECTION FOR RAPE VICTIMS.

(2) THE PURPOSE OF THE PILOT PROGRAM IS TO PREVENT HIV INFECTION FOR VICTIMS OF AN ALLEGED RAPE OR SEXUAL OFFENSE OR VICTIMS OF ALLEGED CHILD SEXUAL ABUSE.

(3) THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION SHALL ADMINISTER THE PILOT PROGRAM.

(C) (1) TO ACCOMPLISH THE PURPOSE OF THE PILOT PROGRAM, A VICTIM OF AN ALLEGED RAPE OR SEXUAL OFFENSE OR A VICTIM OF ALLEGED CHILD SEXUAL ABUSE SHALL BE PROVIDED WITH A FULL COURSE OF TREATMENT AND FOLLOW-UP CARE FOR POSTEXPOSURE PROPHYLAXIS FOR THE PREVENTION OF HIV INFECTION AT THE REQUEST OF THE VICTIM AND AS PRESCRIBED BY A HEALTH CARE PROVIDER.

1 **(2) (I) A VICTIM WHO RECEIVES TREATMENT UNDER THIS**
2 **SUBSECTION MAY DECLINE TO PROVIDE HEALTH INSURANCE INFORMATION OR**
3 **SUBMIT PERSONAL INFORMATION TO A PAYMENT ASSISTANCE PROGRAM IF THE**
4 **VICTIM BELIEVES THAT PROVIDING THE INFORMATION WOULD INTERFERE WITH**
5 **PERSONAL PRIVACY OR SAFETY.**

6 **(II) THE PHYSICIAN, QUALIFIED HEALTH CARE PROVIDER, OR**
7 **HOSPITAL PROVIDING A VICTIM WITH TREATMENT AND FOLLOW-UP CARE UNDER**
8 **PARAGRAPH (1) OF THIS SUBSECTION SHALL INFORM THE VICTIM OF THE VICTIM'S**
9 **RIGHT TO DECLINE TO PROVIDE HEALTH INSURANCE INFORMATION OR SUBMIT**
10 **PERSONAL INFORMATION TO A PAYMENT ASSISTANCE PROGRAM.**

11 **(III) IF A VICTIM DECLINES TO PROVIDE HEALTH INSURANCE**
12 **INFORMATION OR TO SUBMIT PERSONAL INFORMATION TO A PAYMENT ASSISTANCE**
13 **PROGRAM:**

14 **1. THE TREATMENT AND FOLLOW-UP CARE SHALL BE**
15 **PROVIDED WITHOUT CHARGE TO THE VICTIM; AND**

16 **2. THE PHYSICIAN, QUALIFIED HEALTH CARE**
17 **PROVIDER, OR HOSPITAL PROVIDING THE TREATMENT OR FOLLOW-UP CARE IS**
18 **ENTITLED TO BE PAID BY THE CRIMINAL INJURIES COMPENSATION BOARD AS**
19 **PROVIDED UNDER SUBTITLE 8 OF THIS TITLE FOR THE COSTS OF PROVIDING THE**
20 **SERVICES.**

21 **(D) (1) A PHYSICIAN OR A QUALIFIED HEALTH CARE PROVIDER WHO**
22 **EXAMINES A VICTIM OF ALLEGED CHILD SEXUAL ABUSE UNDER THE PROVISIONS OF**
23 **THIS SECTION IS IMMUNE FROM CIVIL LIABILITY THAT MAY RESULT FROM THE**
24 **FAILURE OF THE PHYSICIAN OR QUALIFIED HEALTH CARE PROVIDER TO OBTAIN**
25 **CONSENT FROM THE CHILD'S PARENT, GUARDIAN, OR CUSTODIAN FOR THE**
26 **EXAMINATION OR TREATMENT OF THE CHILD.**

27 **(2) THE IMMUNITY PROVIDED UNDER PARAGRAPH (1) OF THIS**
28 **SUBSECTION EXTENDS TO:**

29 **(I) ANY HOSPITAL WITH WHICH THE PHYSICIAN OR QUALIFIED**
30 **HEALTH CARE PROVIDER IS AFFILIATED OR TO WHICH THE CHILD IS BROUGHT; AND**

31 **(II) ANY INDIVIDUAL WORKING UNDER THE CONTROL OR**
32 **SUPERVISION OF THE HOSPITAL.**

33 **(E) ON OR BEFORE DECEMBER 1, 2021, THE GOVERNOR'S OFFICE OF**
34 **CRIME CONTROL AND PREVENTION SHALL REPORT TO THE GOVERNOR AND, IN**

1 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL
2 ASSEMBLY ON THE OPERATION AND RESULTS OF THE PILOT PROGRAM, INCLUDING:

3 (1) THE NUMBER OF PATIENTS THAT QUALIFIED TO RECEIVE
4 POSTEXPOSURE PROPHYLAXIS UNDER THE PILOT PROGRAM;

5 (2) THE NUMBER OF PATIENTS THAT CHOSE TO RECEIVE
6 POSTEXPOSURE PROPHYLAXIS;

7 (3) THE TOTAL AMOUNT REIMBURSED TO PROVIDERS FOR THE
8 POSTEXPOSURE PROPHYLAXIS; AND

9 (4) THE COST OF THE POSTEXPOSURE PROPHYLAXIS TREATMENT
10 AND FOLLOW-UP CARE PROVIDED UNDER THE PILOT PROGRAM.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2019. It shall remain effective for a period of 3 years and, at the end of September
13 30, 2022, this Act, with no further action required by the General Assembly, shall be
14 abrogated and of no further force and effect.