

**SB0186/353529/1**

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 186  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “- **Rebates**” and substitute “**Fund**”; strike beginning with “requiring” in line 3 down through “fund” in line 5 and substitute “repealing provisions of law regarding funds and rebates related to the Maryland AIDS Drug Assistance Program; establishing the Maryland AIDS Drug Assistance Program Fund as a special, nonlapsing fund; requiring interest earnings of the Fund to be credited to the Fund; requiring the Maryland Department of Health to deposit certain rebates into a certain account”; and after line 11, insert:

“BY adding to

Article – Health – General

Section 24–1801 to be under the new subtitle “Subtitle 18. Maryland AIDS Drug Assistance Program Fund”

Annotated Code of Maryland

(2019 Replacement Volume and 2021 Supplement)”.

AMENDMENT NO. 2

On page 2, in line 6, strike “(1)”.

On pages 2 and 3, strike in their entirety the lines beginning with line 9 on page 2 through line 6 on page 3, inclusive, and substitute:

**“SUBTITLE 18. MARYLAND AIDS DRUG ASSISTANCE PROGRAM FUND.**

**24–1801.**

**(A) IN THIS SECTION, “FUND” MEANS THE MARYLAND AIDS DRUG ASSISTANCE PROGRAM FUND.**

**(B) THERE IS A MARYLAND AIDS DRUG ASSISTANCE PROGRAM FUND.**

(Over)

**(C) THE PURPOSE OF THE FUND IS TO SUPPORT THE ADMINISTRATION, OPERATION, AND ACTIVITIES OF THE MARYLAND AIDS DRUG ASSISTANCE PROGRAM.**

**(D) THE DEPARTMENT SHALL ADMINISTER THE FUND.**

**(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

**(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

**(F) THE FUND CONSISTS OF:**

**(1) EXCEPT AS PROVIDED IN SUBSECTION (J) OF THIS SECTION, REBATES RECEIVED BY THE DEPARTMENT FROM THE MARYLAND AIDS DRUG ASSISTANCE PROGRAM;**

**(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

**(3) INTEREST EARNINGS OF THE FUND; AND**

**(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.**

**(G) THE FUND MAY BE USED ONLY TO FUND:**

**(1) THE MARYLAND AIDS DRUG ASSISTANCE PROGRAM;**

**(2) THE MARYLAND AIDS DRUG ASSISTANCE PROGRAM PLUS (MADAP-PLUS); AND**

(3) ANY OTHER SERVICES TO ELIGIBLE INDIVIDUALS AS AUTHORIZED UNDER PART B OF THE FEDERAL RYAN WHITE HIV/AIDS PROGRAM.

(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(I) (1) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(2) THE FUND SHALL HAVE ITS OWN PROGRAM CODE WITHIN THE STATE BUDGET.

(J) NOTWITHSTANDING SUBSECTION (F) OF THIS SECTION, THE DEPARTMENT SHALL:

(1) DEPOSIT ANY REBATES FROM A SOURCE OTHER THAN A FEDERAL SOURCE RECEIVED BY THE DEPARTMENT FROM THE MARYLAND AIDS DRUG ASSISTANCE PROGRAM INTO AN ACCOUNT WITHIN THE FUND; AND

(2) USE THE FUNDS IN THE ACCOUNT UNDER ITEM (1) OF THIS SUBSECTION ONLY TO FUND STATE-IDENTIFIED PRIORITIES FOR HIV PREVENTION, SURVEILLANCE, AND CARE SERVICES.

(K) THE SECRETARY SHALL ADOPT REGULATIONS ESTABLISHING INCOME AND OTHER ELIGIBILITY CRITERIA FOR THE RECEIPT OF HIV PREVENTION AND CARE SERVICES FUNDED UNDER SUBSECTION (J) OF THIS SECTION.”.

On page 3, strike beginning with “FUND” in line 20 down through “PROGRAM” in line 21 and substitute “MARYLAND AIDS DRUG ASSISTANCE PROGRAM FUND”.