

SENATE BILL 186

J1

2lr0060

(PRE-FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request
– Departmental – Health)**

Requested: October 5, 2021

Introduced and read first time: January 12, 2022

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland AIDS Drug Assistance Program – Rebates**

3 FOR the purpose of requiring funds received as rebates from the Maryland AIDS Drug
4 Assistance Program to be held in interest bearing accounts; requiring the Secretary
5 of Health to deposit accrued interest to a special nonlapsing fund; and generally
6 relating to the Maryland AIDS Drug Assistance Program.

7 BY repealing and reenacting, with amendments,
8 Article – Health – General
9 Section 2–104(j)
10 Annotated Code of Maryland
11 (2019 Replacement Volume and 2021 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article – State Finance and Procurement
14 Section 6–226(a)(2)(i) and (b)
15 Annotated Code of Maryland
16 (2021 Replacement Volume)

17 BY repealing and reenacting, with amendments,
18 Article – State Finance and Procurement
19 Section 6–226(a)(2)(ii)144. and 145.
20 Annotated Code of Maryland
21 (2021 Replacement Volume)

22 BY adding to
23 Article – State Finance and Procurement
24 Section 6–226(a)(2)(ii)146.
25 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2021 Replacement Volume)

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

Article – Health – General

2–104.

(j) (1) Except as otherwise provided by law and paragraphs (2) and (3) of this subsection, the Secretary shall pay all money collected by the Department under this article into the General Fund of this State.

(2) **(I)** Any **APPLICABLE** rebates received by the Department from the Maryland AIDS Drug Assistance Program shall be distributed to a special nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article, to be used only to fund:

[(i)] 1. The Maryland AIDS Drug Assistance Program (MADAP);

[(ii)] 2. The Maryland AIDS Drug Assistance Program Plus (MADAP–Plus); and

[(iii)] 3. Any other services to eligible individuals as allowable under Part B of the federal Ryan White HIV/AIDS Program.

(II) ANY REBATES RECEIVED BY THE DEPARTMENT FROM THE MARYLAND AIDS DRUG ASSISTANCE PROGRAM SHALL BE HELD IN INTEREST BEARING ACCOUNTS.

(III) ACCRUED INTEREST EARNINGS SHALL BE DEPOSITED BY THE SECRETARY INTO THE SPECIAL NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(3) **(I)** Notwithstanding paragraph (2) of this subsection, any rebates received by the Department from the Maryland AIDS Drug Assistance Program as a result of State General Fund expenditures shall be:

[(i)] 1. Distributed to a separate special nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article; **[and]**

[(ii)] 2. Used only to fund State–identified priorities for HIV prevention, surveillance, and care services; **AND**

3. HELD IN INTEREST BEARING ACCOUNTS.

1 **(II) ACCRUED INTEREST EARNINGS SHALL BE DEPOSITED BY**
2 **THE SECRETARY INTO THE SPECIAL NONLAPSING FUND THAT IS NOT SUBJECT TO §**
3 **7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

4 (4) The Secretary shall adopt regulations establishing, as appropriate,
5 income and other eligibility criteria for the receipt of HIV prevention and care services
6 funded under paragraph (3) of this subsection.

7 **Article – State Finance and Procurement**

8 6-226.

9 (a) (2) (i) Notwithstanding any other provision of law, and unless
10 inconsistent with a federal law, grant agreement, or other federal requirement or with the
11 terms of a gift or settlement agreement, net interest on all State money allocated by the
12 State Treasurer under this section to special funds or accounts, and otherwise entitled to
13 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
14 Fund of the State.

15 (ii) The provisions of subparagraph (i) of this paragraph do not apply
16 to the following funds:

17 144. the Health Equity Resource Community Reserve Fund;

18 [and]

19 145. the Access to Counsel in Evictions Special Fund; **AND**

20 **146. THE FUND ESTABLISHED UNDER § 2-104 FOR THE**
21 **MARYLAND AIDS DRUG ASSISTANCE PROGRAM.**

22 (b) (1) Notwithstanding any other provision of law, the Treasurer may invest
23 separately or commingled in 1 or more pools amounts to be invested by law or regulation
24 for State agencies.

25 (2) The Treasurer shall allocate net earnings on amounts commingled in a
26 pool to the appropriate State agencies entitled to receive interest earnings under subsection
27 (a) of this section.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
29 1, 2022.