

SENATE BILL 196

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2lr0053

(PRE-FILED)

By: **Chair, Finance Committee (By Request – Departmental – Health)**

Requested: October 5, 2021

Introduced and read first time: January 12, 2022

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Department of Health – Overdose Report**

3 FOR the purpose of extending the termination date for certain provisions of law requiring
4 the Secretary of Health to examine and report on fatal overdoses involving opioids
5 and other controlled substances; altering the requirements relating to the
6 examination and report; and generally relating to the Maryland Department of
7 Health and reporting on fatal overdoses.

8 BY repealing and reenacting, with amendments,
9 Article – Health – General
10 Section 7.5–701
11 Annotated Code of Maryland
12 (2019 Replacement Volume and 2021 Supplement)

13 BY repealing and reenacting, with amendments,
14 Chapter 211 of the Acts of the General Assembly of 2018
15 Section 3

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

18 **Article – Health – General**

19 7.5–701.

20 (a) On or before July 1 each year, the Secretary shall examine the [prescription
21 and treatment] history[, including court–ordered treatment or treatment provided through
22 the criminal justice system,] of individuals in the State who suffered fatal overdoses
23 involving [opiates] **OPIOIDS** and other controlled [dangerous] substances in the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 immediately preceding 4 calendar years.

2 (b) In conducting the examination required under subsection (a) of this section,
3 the Secretary shall collaborate with the Department of Public Safety and Correctional
4 Services, the Department of Human Services, the Department of Juvenile Services, the
5 Maryland Institute for Emergency Medical Services Systems, the Department of Housing
6 and Community Development, and any other State and local agency that the Secretary
7 considers necessary.

8 (c) (1) Beginning July 1, 2019, and each year thereafter, the Secretary shall
9 provide a report on the findings of the examination required under subsection (a) of this
10 section to the Governor and, in accordance with § 2–1257 of the State Government Article,
11 the General Assembly.

12 (2) The report required under paragraph (1) of this subsection shall:

13 (i) Include an assessment of the factors associated with fatal and
14 nonfatal opioid overdose risk and an assessment of the programs targeted at opioid use and
15 misuse, including:

16 1. Utilization of mental health and substance use disorder
17 treatment and recovery support services, including claims data from the Maryland Medical
18 Assistance Program;

19 2. Utilization of hospital services;

20 3. Utilization of emergency medical services;

21 4. Utilization of controlled prescription drugs and antidotes;

22 5. Involvement with the State and local criminal justice
23 system, including arrest, incarceration, and community supervision;

24 6. Involvement with social services agencies;

25 7. Socioeconomic status, race, age, ethnicity, location of
26 overdose, marital status, and employment status;

27 8. Education status; and

28 9. Access to public or private health insurance coverage;

29 (ii) Identify and assess methods of intervening with populations
30 found to be at risk of overdose or a substance use disorder; and

31 (iii) Include recommendations for improving and providing statewide
32 prevention, response, and data collection efforts related to substance use disorder.

1 (3) The assessment required under paragraph (2) of this subsection shall
2 include accessing, and where feasible links to, the following data sets:

3 (i) Overdose deaths and other fatal drug poisonings;

4 (ii) Substance use treatment;

5 (iii) Prescription Drug Monitoring Program;

6 (iv) Emergency medical services database;

7 (v) Select birth information for children exposed to opioids during
8 gestation;

9 (vi) Cancer registry;

10 (vii) Cause and manner of death and toxicology;

11 (viii) Hospital case mix, emergency department and inpatient records
12 associated with substance use disorder and nonfatal controlled dangerous
13 substance-related poisonings;

14 (ix) All payer claims database;

15 (x) Corrections mental health and substance use disorder data and
16 incarcerations in correctional facilities including county detention centers;

17 (xi) [Needle exchange program] **SYRINGE SERVICE PROGRAMS**;

18 (xii) Drug seizures;

19 (xiii) Index of concentration at the extremes;

20 (xiv) Maryland violent death records system;

21 (xv) Electronic Surveillance System for the Early Notification of
22 Community-based Epidemics;

23 (xvi) Vital statistics;

24 (xvii) State and local fatality review records; and

25 (xviii) Maryland Medical Assistance Program pharmacy claims.

26 (4) On or before September 1, 2018, each entity identified under subsection
27 (b) of this section shall provide data to the Department in accordance with this section and

1 enter into a data sharing use agreement with the Department.

2 (d) Any records and information provided to the Department in accordance with
3 this section that could identify any individual are not public records and are not subject to
4 discovery, subpoena, or other means of legal compulsion in civil or criminal litigation.

5 (e) The Department shall seek any available federal funding to implement the
6 requirements of this section.

7 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
8 as follows:

9 **Chapter 211 of the Acts of 2018**

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
11 1, 2018. [It] **SECTION 1-224 OF THE HEALTH OCCUPATIONS ARTICLE, AS ENACTED**
12 **BY SECTION 1 OF THIS ACT**, shall remain effective for a period of 4 years and 2 months
13 and, at the end of July 31, 2022, **§ 1-224 OF THE HEALTH OCCUPATIONS ARTICLE, AS**
14 **ENACTED BY SECTION 1 OF** this Act, with no further action required by the General
15 Assembly, shall be abrogated and of no further force and effect. **SECTION 7.5-701 OF THE**
16 **HEALTH – GENERAL ARTICLE, AS ENACTED BY SECTION 1 OF THIS ACT, SHALL**
17 **REMAIN EFFECTIVE FOR A PERIOD OF 6 YEARS AND 2 MONTHS AND, AT THE END OF**
18 **JULY 31, 2024, § 7.5-701 OF THE HEALTH – GENERAL ARTICLE, AS ENACTED BY**
19 **SECTION 1 OF THIS ACT, WITH NO FURTHER ACTION REQUIRED BY THE GENERAL**
20 **ASSEMBLY, SHALL BE ABROGATED AND OF NO FURTHER FORCE AND EFFECT.**

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2022. Section 1 of this Act shall remain effective for a period of 2 years and 1 month and,
23 at the end of July 31, 2024, Section 1 of this Act, with no further action required by the
24 General Assembly, shall be abrogated and of no further force and effect.