

# SENATE BILL 331

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2lr0401  
CF HB 245

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By: Senator King

Introduced and read first time: January 20, 2022

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Program for Preventing HIV Infection for Rape Victims – Alterations and**  
3 **Repeal of Sunset**

4 FOR the purpose of repealing the termination date of the Pilot Program for Preventing HIV  
5 Infection for Rape Victims; repealing the limit on the total annual amount  
6 physicians, qualified health care providers, and hospitals are entitled to be paid for  
7 providing certain treatment or follow-up care; altering the requirement that the  
8 Governor's Office of Crime Prevention, Youth, and Victim Services report to the  
9 Governor and General Assembly on the operation and results of the program; and  
10 generally relating to the Program for Preventing HIV Infection for Rape Victims.

11 BY repealing and reenacting, with amendments,  
12 Article – Criminal Procedure  
13 Section 11–1008  
14 Annotated Code of Maryland  
15 (2018 Replacement Volume and 2021 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Chapter 431 of the Acts of the General Assembly of 2019  
18 Section 2

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

21 **Article – Criminal Procedure**

22 11–1008.

23 (a) (1) In this section the following words have the meanings indicated.  
24 (2) “Child” means any individual under the age of 18 years.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(3) "HIV" means the human immunodeficiency virus that causes acquired immune deficiency syndrome.

3 (4) "Physician" has the meaning stated in § 11-1007 of this subtitle.

4 (5) "Qualified health care provider" has the meaning stated in § 11-1007  
5 of this subtitle.

(6) "Sexual abuse" has the meaning stated in § 11-1007 of this subtitle.

7 (b) (1) There is a [Pilot] Program for Preventing HIV Infection for Rape  
8 Victims.

(ii) The physician, qualified health care provider, or hospital providing a victim with treatment and follow-up care under paragraph (1) of this subsection shall inform the victim of the victim's right to decline to provide health insurance information or submit personal information to a payment assistance program.

25 (iii) If a victim declines to provide health insurance information or to  
26 submit personal information to a payment assistance program:

4 (d) (1) A physician or a qualified health care provider who examines a victim  
5 of alleged child sexual abuse under the provisions of this section is immune from civil  
6 liability that may result from the failure of the physician or qualified health care provider  
7 to obtain consent from the child's parent, guardian, or custodian for the examination or  
8 treatment of the child.

9 (2) The immunity provided under paragraph (1) of this subsection extends  
10 to:

(i) any hospital with which the physician or qualified health care provider is affiliated or to which the child is brought; and

13 (ii) any individual working under the control or supervision of the  
14 hospital.

20 (1) the number of patients that qualified to receive postexposure  
21 prophylaxis under the [pilot] program;

(2) the number of patients that chose to receive postexposure prophylaxis;

23 (3) the total amount reimbursed to providers for the postexposure  
24 prophylaxis; and

25 (4) the cost of the postexposure prophylaxis treatment and follow-up care  
26 provided under the [pilot] program.

## Chapter 431 of the Acts of 2019

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

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
33 1, 2022.