

SENATE BILL 331

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2lr0401
CF HB 245

By: **Senator King**

Introduced and read first time: January 20, 2022

Assigned to: Judicial Proceedings

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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) “HIV” means the human immunodeficiency virus that causes acquired
2 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 (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.

9 (2) The purpose of the [pilot] program is to prevent HIV infection for
10 victims of an alleged rape or sexual offense or victims of alleged child sexual abuse.

11 (3) The Governor’s Office of Crime Prevention, Youth, and Victim Services
12 shall administer the [pilot] program.

13 (c) (1) To accomplish the purpose of the [pilot] program, a victim of an alleged
14 rape or sexual offense or a victim of alleged child sexual abuse shall be provided with a full
15 course of treatment and follow–up care for postexposure prophylaxis for the prevention of
16 HIV infection at the request of the victim and as prescribed by a health care provider.

17 (2) (i) A victim who receives treatment under this subsection may
18 decline to provide health insurance information or submit personal information to a
19 payment assistance program if the victim believes that providing the information would
20 interfere with personal privacy or safety.

21 (ii) The physician, qualified health care provider, or hospital
22 providing a victim with treatment and follow–up care under paragraph (1) of this
23 subsection shall inform the victim of the victim’s right to decline to provide health
24 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:

27 1. the treatment and follow–up care shall be provided
28 without charge to the victim; and

29 2. [subject to the limitation established under subparagraph
30 (iv) of this paragraph,] the physician, qualified health care provider, or hospital providing
31 the treatment or follow–up care is entitled to be paid by the Criminal Injuries
32 Compensation Board as provided under Subtitle 8 of this title for the costs of providing the
33 services.

1 [(iv) The total amount paid to physicians, qualified health care
2 providers, and hospitals from the Criminal Injuries Compensation Board under
3 subparagraph (iii) of this paragraph may not exceed \$750,000 annually.]

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:

11 (i) any hospital with which the physician or qualified health care
12 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.

15 (e) On or before December 1, ~~[2021]~~ **2022, AND EVERY 2 YEARS THEREAFTER,**
16 the Governor's Office of Crime Prevention, Youth, and Victim Services shall report to the
17 Governor and, in accordance with § 2-1257 of the State Government Article, the General
18 Assembly on the operation and results of the [pilot] program **DURING THE IMMEDIATELY**
19 **PRECEDING 2-YEAR PERIOD**, including:

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

22 (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.

27 **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.