

SENATE BILL 568

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CF 2lr2643

By: **Senator McCray (By Request – Baltimore City Administration)**

Introduced and read first time: February 1, 2022

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Health Records and Reporting of Overdoses – Limitations on Use in Criminal**
3 **Investigation or Prosecution**

4 FOR the purpose of prohibiting certain overdose information reported by an emergency
5 medical services provider or the Maryland Institute for Emergency Medical Services
6 Systems from being obtained by a law enforcement officer as part of a criminal
7 investigation or prosecution; and generally relating to health records and the
8 reporting of overdose information.

9 BY repealing and reenacting, without amendments,
10 Article – Health – General
11 Section 4–306(a)
12 Annotated Code of Maryland
13 (2019 Replacement Volume and 2021 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Health – General
16 Section 4–306(b)(7) and 13–3602
17 Annotated Code of Maryland
18 (2019 Replacement Volume and 2021 Supplement)

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

21 **Article – Health – General**

22 4–306.

23 (a) In this section, “compulsory process” includes a subpoena, summons, warrant,
24 or court order that appears on its face to have been issued on lawful authority.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) A health care provider shall disclose a medical record without the
2 authorization of a person in interest:

3 (7) Subject to the additional limitations for a medical record developed
4 primarily in connection with the provision of mental health services in § 4–307 of this
5 subtitle, **AND THE LIMITATIONS ON PATIENT OVERDOSE INFORMATION UNDER §**
6 **13–3602(E) OF THIS ARTICLE**, to grand juries, prosecution agencies, law enforcement
7 agencies or their agents or employees to further an investigation or prosecution, pursuant
8 to a subpoena, warrant, or court order for the sole purposes of investigating and prosecuting
9 criminal activity, provided that the prosecution agencies and law enforcement agencies
10 have written procedures to protect the confidentiality of the records;

11 13–3602.

12 (a) An emergency medical services provider or a law enforcement officer who
13 treats and releases or transports to a medical facility an individual experiencing a
14 suspected or an actual overdose may report the incident using an appropriate information
15 technology platform with secure access, including the Washington/Baltimore High
16 Intensity Drug Trafficking Area overdose detection mapping application program, or any
17 other program operated by the federal government or a unit of State or local government.

18 (b) A report of an overdose made under this section shall include:

19 (1) The date and time of the overdose;

20 (2) The approximate address where the overdose victim was initially
21 encountered or where the overdose occurred;

22 (3) Whether an opioid overdose reversal drug was administered; and

23 (4) Whether the overdose was fatal or nonfatal.

24 (c) If an emergency medical services provider or a law enforcement officer reports
25 an overdose under this section, the emergency medical services provider or law enforcement
26 officer making the report shall make best efforts to make the report within 24 hours after
27 responding to the incident.

28 (d) On receipt of a patient care report that indicates an overdose, the Maryland
29 Institute for Emergency Medical Services Systems shall report the information listed under
30 subsection (b) of this section to an appropriate information technology platform with secure
31 access, including the Washington/Baltimore High Intensity Drug Trafficking Area overdose
32 detection mapping application, or any other program operated by the federal government
33 or a unit of State or local government.

34 (e) Overdose information reported by an emergency medical services provider
35 under subsection (a) of this section or by the Maryland Institute for Emergency Medical
36 Services Systems under subsection (d) of this section may not be [used]:

1 **(1) USED** for a criminal investigation or prosecution; **OR**

2 **(2) OBTAINED BY A LAW ENFORCEMENT OFFICER AS PART OF A**
3 **CRIMINAL INVESTIGATION OR PROSECUTION.**

4 (f) An emergency medical services provider or a law enforcement officer who in
5 good faith makes a report under this section shall be immune from criminal liability for
6 making the report.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2022.