E4 2lr0953 CF HB 1105

By: Senators Kagan and Reilly

Introduced and read first time: February 3, 2022

Assigned to: Education, Health, and Environmental Affairs

Reassigned: Finance, February 4, 2022

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 3, 2022

CHAPTER \_\_\_\_\_

## 1 AN ACT concerning

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## Public Safety - 9-1-1 Emergency Telephone System - Alterations

- FOR the purpose of making alterations to the 9–1–1 Emergency Telephone System in the State; altering the classification and compensation of 9–1–1 specialists; authorizing 9–1–1 specialists to seek certain treatment confidentially; requiring the Maryland 9–1–1 Board to establish certain procedures governing vacancies on the Board; altering the powers and duties of the Board with respect to public safety answering point personnel training and cybersecurity standards; requiring the Comptroller to submit certain updates regarding certain audits; altering the maximum amount of the county 9–1–1 fee that a county may impose under certain circumstances; and generally relating to 9–1–1 emergency telephone systems.
- 12 BY repealing and reenacting, with amendments,
- 13 Article Public Safety
- Section 1–301, 1–302.1, 1–304.2, 1–305(c), 1–306(b)(15) and (e), 1–309.1,
- 15 1–310(f), and 1–311
- 16 Annotated Code of Maryland
- 17 (2018 Replacement Volume and 2021 Supplement)
- 18 BY repealing
- 19 Article Public Safety
- 20 Section 1–305(d)
- 21 Annotated Code of Maryland
- 22 (2018 Replacement Volume and 2021 Supplement)

## EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 2 3 4 5	BY adding to Article – Public Safety Section 1–305(d) Annotated Code of Maryland (2018 Replacement Volume and 2021 Supplement)				
6 7	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:				
8	Article - Public Safety				
9	1–301.				
0	(a) In this subtitle the following words have the meanings indicated.				
1	(b) "Board" means the Maryland 9–1–1 Board.				
.2	(c) "Commercial mobile radio service" or "CMRS" means mobil telecommunications service that is:				
14 15	(1) provided for profit with the intent of receiving compensation or monetary gain;				
16	(2) an interconnected, two-way voice service; and				
17	(3) available to the public.				
18 19 20	(d) "Commercial mobile radio service provider" or "CMRS provider" means a person authorized by the Federal Communications Commission to provide CMRS in the State.				
21 22	(e) "County 9–1–1 fee" means the fee imposed by a county in accordance with $\S$ 1–311 of this subtitle.				
23 24 25	(f) "County plan" means a plan for a 9–1–1 system or enhanced 9–1–1 system, or an amendment to the plan, developed by a county or several counties together under this subtitle.				
26	(g) (1) "Customer" means:				
27 28	$ \hbox{ (i)} \qquad \hbox{the person that contracts with a home service provider for CMRS;} \\$				
29 30	(ii) the end user of the CMRS if the end user of the CMRS is not the contracting party.				

1		(2)	"Customer" does not include:
2			(i) a reseller of CMRS; or
3 4	outside the h	nome s	(ii) a serving carrier under an arrangement to serve the customer ervice provider's licensed service area.
5	(h)	"Enha	anced 9–1–1 system" means a 9–1–1 system that provides:
6		(1)	automatic number identification;
7		(2)	automatic location identification; and
8		(3)	any other technological advancements that the Board requires.
9 10 11		under	order" means an order issued by the Federal Communications proceedings regarding the compatibility of enhanced 9–1–1 systems and s enhanced 9–1–1 service.
12 13	(j) PUBLIC SAF	(1) ETY A	"FIRST RESPONDER" MEANS AN EMPLOYEE OF A STATE OR LOCAL GENCY THAT PROVIDES EMERGENCY RESPONSE SERVICES.
14		(2)	"FIRST RESPONDER" INCLUDES:
15			(I) A FIREFIGHTER;
16			(II) A PARAMEDIC;
17			(III) AN EMERGENCY MEDICAL TECHNICIAN;
18			(IV) A RESCUE SQUAD MEMBER;
19 20	MARSHAL;		(V) A SWORN MEMBER OF THE OFFICE OF THE STATE FIRE
21 22 23	WHO IS A COARTICLE;	OVERI	(VI) A MEMBER OF A VOLUNTEER FIRE OR RESCUE COMPANY ED EMPLOYEE UNDER § 9–234 OF THE LABOR AND EMPLOYMENT
24 25	13-516 OF T	гне Е	(VII) AN INDIVIDUAL WHO IS LICENSED OR CERTIFIED UNDER § DUCATION ARTICLE; AND
26			(VIII) A 9–1–1 SPECIALIST.
27	(K)	"Hom	e service provider" means the facilities—based carrier or reseller that

contracts with a customer to provide CMRS.

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- 1 **[(k)] (L)** "Next Generation 9-1-1 services" means an Internet Protocol 2 (IP)-based system, comprised of hardware, software, data, and operational policies and 3 procedures, that:
- 4 (1) provides standardized interfaces from emergency call and message 5 services to support emergency communications;
- 6 (2) processes all types of requests for emergency services, including voice, 7 text, data, and multimedia information;
- 8 (3) acquires and integrates additional emergency call data useful to 9 routing and handling of requests for emergency services;
- 10 (4) delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;
- 12 (5) supports data or video communications needs for coordinated incident 13 response and management; and
- 14 (6) provides broadband service to public safety answering points or other 15 first responder entities.
- [(l)] (M) "9-1-1-accessible service" means telephone service or another communications service that connects an individual dialing the digits 9-1-1 to an established public safety answering point.
- 19 [(m)] (N) (1) "9-1-1 service carrier" means a provider of CMRS or other 20 9-1-1-accessible service.
- 21 (2) "9–1–1 service carrier" does not include a telephone company.
- [(n)] (O) "9-1-1 specialist" means an employee of a county public safety answering point, or an employee working in a county public safety answering point, whose duties and responsibilities include:
- 25 (1) receiving and processing 9–1–1 requests for emergency services;
- 26 (2) other support functions directly related to 9–1–1 requests for 27 emergency services; or
- 28 (3) dispatching law enforcement officers, fire rescue services, emergency 29 medical services, and other public safety services to the scene of an emergency.
- 30 **[**(o)**] (P)** (1) "9–1–1 system" means telephone service that:

$\frac{1}{2}$	and	(i)	meets the planning guidelines established under this subtitle;	
3 4	an established pu	(ii) blic safe	automatically connects an individual dialing the digits 9–1–1 to ety answering point.	
5	(2)	"9–1–	1 system" includes:	
6 7	telephone central	(i) office;	equipment for connecting and outswitching 9–1–1 calls within a	
8 9	safety answering	(ii) point; a	trunking facilities from a telephone central office to a public nd	
10 11	agency.	(iii)	equipment to connect $9-1-1$ calls to the appropriate public safety	
12 13	[(p)] (Q) subtitle.	"9–1–	1 Trust Fund" means the fund established under § 1–308 of this	
14 15 16	[(q)] (R) "Prepaid wireless E 9-1-1 fee" means the fee that is required to be collected by a seller from a consumer in the amount established under § 1-313 of this subtitle.			
17 18	[(r)] (S) "Prepaid wireless telecommunications service" means a commercial mobile radio service that:			
19	(1)	allows	s a consumer to dial 9-1-1 to access the 9-1-1 system;	
20	(2)	must	be paid for in advance; and	
21	(3)	is sold	in predetermined units that decline with use in a known amount.	
22	[(s)] (T)	"Publi	ic safety agency" means:	
23 24	(1) police, medical, or		ctional division of a public agency that provides fire fighting, emergency services; or	
25 26	(2) emergency service	_	vate entity that provides fire fighting, police, medical, or other voluntary basis.	
27	[(t)] (U)	"Publi	ic safety answering point" means a communications facility that:	
28	(1)	is ope	rated on a 24–hour basis;	
29	(2)	first r	eceives 9-1-1 requests for emergency services in a 9-1-1 service	

area; and

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(i)

answering and responding to requests for emergency assistance; [and]

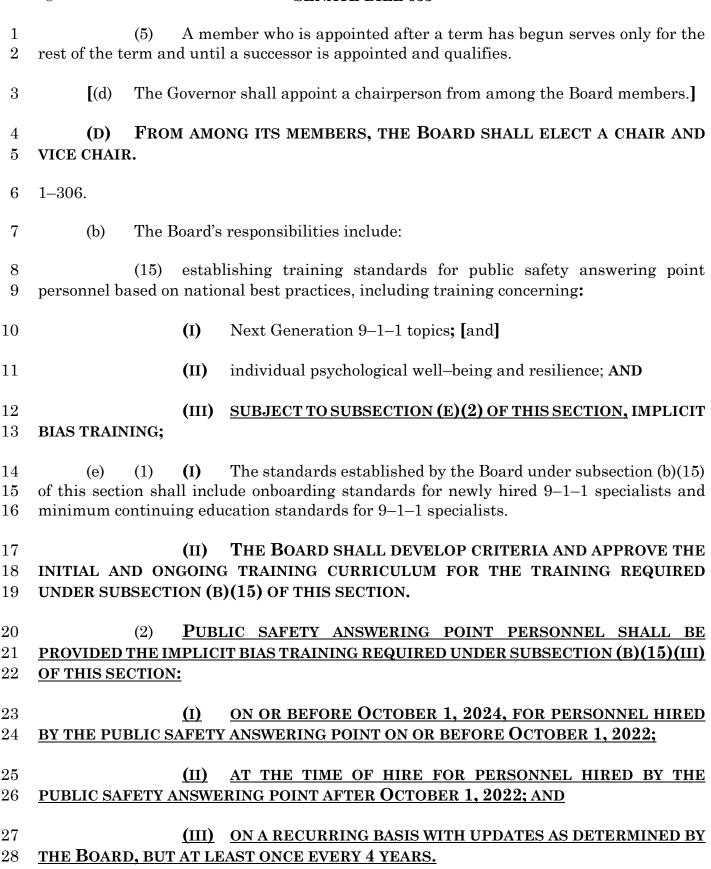
1	1 (3) as appro	priate:
2	2 (i) di	spatches public safety services directly;
3 4	` '	ansmits incident data to appropriate public safety agencies atch of public safety services; or
5 6	• • • • • • • • • • • • • • • • • • • •	ansfers 9–1–1 requests for emergency services or transmits
7 8 9	8 responsible for the deliver	an appropriate federal emergency communication center y of public safety services on a federal campus or federal
10		an appropriate public safety answering point located
12	2 [(u)] (V) "Secreta	ry" means the Secretary of Emergency Management.
13 14		neans a person that sells prepaid wireless telecommunications
15 16		-1–1 fee" means the fee imposed in accordance with $\S$ 1–310 of
17 18	- 1 / - 1 /	s enhanced 9–1–1 service" means enhanced 9–1–1 service
9	9 1–302.1.	
20 21 22	team of public safety person	ssembly finds that 9-1-1 specialists are key members of the onnel responding to requests from the public for emergency
23 24	• / =	tent of the General Assembly that jurisdictions] <b>EACH</b> 0-1-1 specialists <b>SHALL</b> :
25 26 27	6 recognition of the training	ately classify 9–1–1 specialists <b>AS FIRST RESPONDERS</b> in knowledge, and skills that 9–1–1 specialists possess and nd handling requests for emergency assistance; and
28	8 (2) compens	ate 9–1–1 specialists in a manner that:

reflects their membership in the team of public safety personnel

1 is commensurate with the training, knowledge, and skills they (ii) 2 possess; AND (III) EXCEEDS THE MINIMUM WAGE RATE REQUIRED IN § 3-413 3 OF THE LABOR AND EMPLOYMENT ARTICLE. 4 1 - 304.2.5 6 Each public safety answering point shall adopt and implement programs 7 compliant with best practices on 9–1–1 acute/traumatic and chronic stress management. 8 (B) **(1)** A 9-1-1 SPECIALIST MAY, AS PART OF OCCUPATIONAL 9 WELL-BEING STANDARDS AND PRACTICES, SEEK TREATMENT FOR JOB-RELATED AUDIBLE OR VISUAL TRAUMA WITHOUT INFORMING ANYONE. 10 EXCEPT AS OTHERWISE PROVIDED UNDER TITLE 9, SUBTITLE 1 11 **(2)** OF THE COURTS ARTICLE, COMMUNICATIONS BETWEEN A 9-1-1 SPECIALIST AND A 12 TREATMENT PROVIDER THAT OCCUR IN CONNECTION WITH THE TREATMENT OF 13 14 JOB-RELATED AUDIBLE OR VISUAL TRAUMA SHALL BE CONFIDENTIAL. 15 1 - 305. 16 The term of a member is 4 years and begins on July 1. (c) (1) 17 The terms of the members are staggered as required by the terms 18 provided for members of the Board on October 1, 2003. 19 (3)At the end of a term, a member continues to serve until a successor is appointed and qualifies. 20 21If a vacancy occurs after a term has begun, the Governor shall appoint a successor to represent the organization or group in which the vacancy occurs. 2223 THE BOARD, IN CONSULTATION WITH THE MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT, SHALL DEVELOP AND ESTABLISH 24PROCEDURES FOR: 2526 1. FILLING A VACANCY AS SOON AS PRACTICABLE AFTER 27 THE VACANCY OCCURS; AND 282. ENSURING CANDIDATES FOR FILLING A VACANCY 29 HAVE APPROPRIATE EXPERTISE AND A COMMITMENT TO IMPROVING 9-1-1

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SERVICES IN THE STATE.



29 (3) (i) At least once each year, the Board shall provide for an audit of each public safety answering point in order to ensure that 9-1-1 specialists and other

- personnel employed by the public safety answering point have satisfied the training requirements established in accordance with subsection (b)(15) of this section.
- 3 (ii) The audit described under subparagraph (i) of this paragraph 4 may be conducted concurrently with an inspection of the public safety answering point in accordance with subsection (b)(10) of this section.
- 6 (III) 1. IF THE BOARD DETERMINES THAT THE PERSONNEL
  7 EMPLOYED BY A PUBLIC SAFETY ANSWERING POINT HAVE NOT SATISFIED THE
  8 TRAINING REQUIREMENTS ESTABLISHED IN ACCORDANCE WITH SUBSECTION
  9 (B)(15) OF THIS SECTION, THE BOARD AND PUBLIC SAFETY ANSWERING POINT
  10 SHALL JOINTLY DEVELOP A REMEDIATION PLAN AND IMPLEMENTATION TIMELINE.
- 2. THE BOARD MAY IMPOSE SANCTIONS ON A PUBLIC SAFETY ANSWERING POINT IF THE PUBLIC SAFETY ANSWERING POINT FAILS TO COMPLY WITH A REMEDIATION PLAN OR IMPLEMENTATION TIMELINE DEVELOPED UNDER THIS SUBPARAGRAPH.
- 15 1–309.1.

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- 16 (a) In consultation with the Maryland Cybersecurity Council established under § 9–2901 of the State Government Article, the Board shall establish cybersecurity standards for public safety answering points based on national industry and 9–1–1 system trade association best practices, including standards concerning response protocols in the event of a cybersecurity attack on a public safety answering point.
  - (b) At least once each year on a date determined by the Board and in advance of submitting a request for or receiving any money from the 9–1–1 Trust Fund, the director of each public safety answering point shall examine the cybersecurity of the public safety answering point to determine whether the cybersecurity defenses employed by the public safety answering point satisfy the standards established by the Board under subsection (a) of this section and submit to the Board a report detailing the results of that exercise.
- (c) (1) If a director of a public safety answering point fails to submit a report required under subsection (b) of this section, the Board may not authorize any money from the 9–1–1 Trust Fund to be paid to a county serviced by the public safety answering point until that report has been submitted.
- (2) (I) IF A PUBLIC SAFETY ANSWERING POINT FAILS TO MEET THE
  CYBERSECURITY STANDARDS ESTABLISHED BY THIS SECTION DURING THE ANNUAL
  EXAMINATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE BOARD
  SHALL WORK WITH THE PUBLIC SAFETY ANSWERING POINT TO DEVELOP AN
  AGGRESSIVE, CONSENSUS REMEDIATION PLAN AND IMPLEMENTATION TIMELINE.
- 36 (II) IF A PUBLIC SAFETY ANSWERING POINT FAILS TO COMPLY 37 WITH A REMEDIATION PLAN DEVELOPED UNDER THIS PARAGRAPH, THE BOARD MAY

- 1 REFUSE TO AUTHORIZE MONEY FROM THE 9-1-1 TRUST FUND TO BE PAID TO A
- 2 COUNTY SERVICED BY THE PUBLIC SAFETY ANSWERING POINT FOR ANY NEW,
- 3 NONCYBERSECURITY PURPOSE.
- 4 1–310.
- 5 (f) (1) The Comptroller, in consultation with the Board, shall adopt 6 procedures for auditing surcharge collection and remittance by telephone companies and 7 CMRS providers of 9–1–1 fees collected under this section and under § 1–311 of this 8 subtitle.
- 9 (2) The procedures adopted under paragraph (1) of this subsection shall be consistent with the audit and appeal procedures established for the sales and use tax under
- 11 Titles 11 and 13 of the Tax General Article.
- 12 (3) The Comptroller may issue an administrative subpoena to compel 13 compliance with an audit conducted under this subsection.
- 14 (4) The Comptroller shall develop and distribute informational materials 15 to telephone companies and CMRS providers regarding:
- 16 (i) proper collection and remittance of 9–1–1 fees; and
- 17 (ii) the audit procedures adopted under paragraph (1) of this 18 subsection.
- 19 (5) On request of a telephone company or CMRS provider, and except as otherwise required by law, the information that the telephone company or CMRS provider reports to the Comptroller shall be confidential, privileged, and proprietary and may not be disclosed to any person other than the telephone company or CMRS provider.
- 23 (6) The Comptroller is entitled to an amount equal to 0.5% of the 9-1-1 fees collected under this section to cover the expenses of conducting audits under this subsection.
- 26 (7) On or before December 1 each year, the Comptroller shall submit an annual report to the Board detailing the audits conducted during the immediately preceding year and the outcome of each audit.
- 29 (8) (I) BETWEEN DECEMBER 31, 2022, AND JANUARY 1, 2025, IN 30 ADDITION TO THE ANNUAL REPORT REQUIRED BY PARAGRAPH (7) OF THIS 31 SUBSECTION, THE COMPTROLLER SHALL:
- 32 1. SUBMIT TO THE BOARD QUARTERLY UPDATES 33 DETAILING THE AUDITS CONDUCTED IN THE IMMEDIATELY PRECEDING QUARTER;
- 34 **AND**

- 2. IMMEDIATELY NOTIFY THE BOARD OF ANY 2 DEFICIENCIES DETECTED BY AN AUDIT.
- 3 (II) BEGINNING JANUARY 1, 2025, ON REQUEST OF THE BOARD,
  4 THE COMPTROLLER SHALL PROVIDE QUARTERLY UPDATES DETAILING THE AUDITS
  5 CONDUCTED SINCE THE LAST UPDATE WAS PROVIDED.
  - (9) The Comptroller may adopt regulations necessary to carry out the requirements of this subsection.
- 8 1–311.

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- 9 (a) This section does not apply to prepaid wireless telecommunications service.
- 10 (b) In addition to the State 9–1–1 fee, the governing body of each county, by ordinance or resolution enacted or adopted after a public hearing, may impose a county 9–1–1 fee to be added to all current bills rendered for switched local exchange access service or CMRS or other 9–1–1–accessible service in the county.
- 14 (c) (1) Except as provided in paragraph (2) of this subsection and subject to paragraphs (3) through (6) of this subsection, the county 9–1–1 fee imposed by a county may not exceed 75 cents per month for each switched local exchange access service, CMRS, or other 9–1–1–accessible service provided.
- 18 (2) If revenues attributable to the county 9–1–1 fee for a fiscal year do not 19 provide the revenues necessary to cover a county's operational costs for the 9–1–1 system 20 for that fiscal year, the county may, for the following fiscal year, impose a county 9–1–1 fee 21 [not exceeding \$1.50 per month] SUFFICIENT TO COVER THE COUNTY'S PROJECTED 22 OPERATIONAL COSTS FOR THE 9–1–1 SYSTEM FOR THE FISCAL YEAR for each switched 23 local exchange access service, CMRS, or other 9–1–1–accessible service provided.
  - (3) Except as provided in paragraphs (4) through (6) of this subsection, if a service provider provisions to the same individual or person the voice channel capacity to make more than one simultaneous outbound call from a 9–1–1–accessible service, each separate outbound call voice channel capacity, regardless of the technology, shall constitute a separate 9–1–1–accessible service for purposes of calculating the county 9–1–1 fees due under paragraphs (1) and (2) of this subsection.
- 30 (4) CMRS provided to multiple devices that share a mobile telephone 31 number shall be treated as a single 9–1–1–accessible service for purposes of calculating the 32 county 9–1–1 fees due under paragraphs (1) and (2) of this subsection.
- 33 (5) A broadband connection not used for telephone service may not constitute a separate voice channel capacity for purposes of calculating the county 9–1–1 fees due under paragraphs (1) and (2) of this subsection.

- 1 (6)For a telephone service that provides, to multiple locations, (i) 2 shared simultaneous outbound voice channel capacity configured to provide local dial in 3 different states or counties, the voice channel capacity to which the 9-1-1 fee due under 4 paragraphs (1) and (2) of this subsection applies is only the portion of the shared voice 5 channel capacity in the county identified by the service supplier's books and records. 6 In determining the portion of shared capacity in the county, a (ii) 7 service supplier may rely on, among other factors, a customer's certification of the 8 customer's allocation of capacity in the county, which may be based on: 9 1. each end user location; 10 2. the total number of end users; and the number of end users at each end user location. 11 3. 12 The amount of the county 9–1–1 fees may not exceed a level necessary 13 to cover the total eligible maintenance and operation costs of the county. The county 9-1-1 fee continues in effect until repealed or modified by a 14 (d) 15 subsequent county ordinance or resolution. 16 After imposing, repealing, or modifying a county 9–1–1 fee, the county shall 17 certify the amount of the county 9-1-1 fee to:
- 18 (1) the Public Service Commission;
- 19 **(2)** THE BOARD; AND
- 20 (3) NO LATER THAN 60 DAYS BEFORE THE IMPLEMENTATION OF THE 21 CHANGE, THE COMPTROLLER.
- 22 (f) The Public Service Commission shall direct each telephone company that 23 provides service in a county that imposed a county 9–1–1 fee to add, within 60 days, the 24 full amount of the county 9–1–1 fee to all current bills rendered for switched local exchange 25 access service in the county.
- 26 (g) Within 60 days after a county enacts or adopts an ordinance or resolution that imposes, repeals, or modifies a county 9–1–1 fee, each 9–1–1 service carrier that provides service in the county shall add the full amount of the county 9–1–1 fee to all current bills rendered for CMRS or other 9–1–1–accessible service in the county.
- 30 (h) (1) Each telephone company and each 9–1–1 service carrier shall:
- 31 (i) act as a collection agent for the 9–1–1 Trust Fund with respect 32 to the county 9–1–1 fee imposed by each county;

			Speaker of	the House of De	legates.
			]	President of the	Senate.
				Go	vernor.
Approved:					
SECTION October 1, 2022.	2. AND	) BE IT FURTHER	ENACTED,	That this Act s	shall take effect
(2) Fund account mai		Comptroller shall de d for the county that			
	(iii)	remit all money col	llected to the	Comptroller on a	a monthly basis.
and	(ii)	collect the money	from the cour	nty 9–1–1 fee on	a county basis;