

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 568

(Senator McCray)(By Request - Baltimore City
Administration)

Judicial Proceedings

Health and Government Operations

**Health Records and Reporting of Overdoses - Limitations on Use in Criminal
Investigation or Prosecution**

This bill prohibits overdose information reported by an emergency medical services (EMS) provider or by the Maryland Institute for Emergency Medical Services Systems (MIEMSS) from being obtained by a law enforcement officer as part of a criminal investigation or prosecution. The requirement that a health care provider disclose a medical record without the authorization of a person of interest to grand juries, prosecution agencies, or law enforcement agencies or their agents or employees to further an investigation or prosecution pursuant to a compulsory process is subject to the limitations on patient overdose information reported by an EMS provider or MIEMSS being used for – or obtained by a law enforcement officer as part of – a criminal investigation or prosecution.

Fiscal Summary

State Effect: None. The change is technical in nature and does not directly affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Chapter 149 of 2018 authorizes an EMS provider or law enforcement officer who treats and releases, or transports to a medical facility, an individual

experiencing a suspected or actual overdose to report the incident using an appropriate information technology platform, including the Washington/Baltimore High Intensity Drug Trafficking Area overdose detection mapping application program (ODMAP).

An overdose incident report from an EMS provider or law enforcement officer must include the following information: (1) the date and time of the overdose; (2) the approximate address where the victim was found or where the overdose occurred; (3) whether an opioid overdose reversal drug was administered; and (4) whether the overdose was fatal or nonfatal. If an EMS provider or law enforcement officer reports an overdose, the provider or officer must make best efforts to submit the report within 24 hours after responding to the incident. Upon receipt of a patient care report that indicates an overdose, MIEMSS must report specified information to an appropriate information technology platform, including ODMAP.

Overdose incidents reported by an EMS provider or by MIEMSS may not be used for a criminal investigation or prosecution.

Further, an EMS provider or law enforcement officer who in good faith submits an overdose incident report is immune from criminal liability for making the report. A law enforcement agency may not publicly publish the exact address of an overdose location unless there is a valid public safety concern.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 786 (Delegates Bridges and Wells) - Health and Government Operations.

Information Source(s): Maryland Institute for Emergency Medical Services Systems; Judiciary (Administrative Office of the Courts); Maryland State's Attorneys' Association; Maryland Department of Health; Department of State Police; Department of Legislative Services

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