

Chapter 324

(Senate Bill 914)

AN ACT concerning

**Hospitals – ~~Overdoses~~ – Testing for Fentanyl
(The Josh Siems Act)**

FOR the purpose of requiring ~~the emergency department~~ of a hospital to ~~conduct a rapid~~ include testing for fentanyl as part of a urine drug test for fentanyl in patients with ~~a known or suspected drug overdose~~ screening; and generally related to fentanyl testing for hospital patients with a known or suspected overdose.

BY adding to

Article – Health – General

Section 19–308.9

Annotated Code of Maryland

(2019 Replacement Volume and 2022 Supplement)

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

Article – Health – General

19–308.9.

(A) EXCEPT AS PROVIDED IN SUBSECTION ~~(B)~~ (C) OF THIS SECTION, ~~AN EMERGENCY DEPARTMENT OF A HOSPITAL TREATING AN INDIVIDUAL FOR A KNOWN OR SUSPECTED DRUG OVERDOSE SHALL CONDUCT ON THE INDIVIDUAL A RAPID URINE DRUG TEST FOR THE PRESENCE OF FENTANYL~~ IF AN INDIVIDUAL IS TREATED AT A HOSPITAL AND THE HOSPITAL CONDUCTS A URINE DRUG SCREENING TO ASSIST IN DIAGNOSING THE INDIVIDUAL’S CONDITION, THE HOSPITAL SHALL INCLUDE TESTING FOR FENTANYL IN THE INDIVIDUAL’S URINE DRUG SCREENING.

(B) IF THE URINE DRUG SCREENING CONDUCTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION DETECTS FENTANYL, THE HOSPITAL SHALL REPORT THE TEST RESULTS, WHICH SHALL BE DEIDENTIFIED, TO THE DEPARTMENT THROUGH THE STATE–DESIGNATED HEALTH INFORMATION EXCHANGE.

~~(B)~~ (C) THIS SECTION DOES NOT APPLY TO A HOSPITAL THAT DOES NOT HAVE THE CAPABILITY OR EQUIPMENT TO CONDUCT A RAPID URINE DRUG TEST FOR THE PRESENCE OF FENTANYL CHEMICAL ANALYZER EQUIPMENT.

~~(c)~~ **(D)** THIS SECTION DOES NOT AFFECT ANY STATE LAW PROVIDING CIVIL OR CRIMINAL IMMUNITY TO AN INDIVIDUAL WHO IS IN NEED OF MEDICAL ASSISTANCE AFTER INGESTING OR USING ALCOHOL OR DRUGS, OR TO AN INDIVIDUAL WHO IN GOOD FAITH ASSISTS ANOTHER INDIVIDUAL WHO IS IN NEED OF MEDICAL ASSISTANCE AFTER INGESTING OR USING ALCOHOL OR DRUGS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.

Approved by the Governor, May 3, 2023.