

HOUSE BILL 811

J1, J3

3lr2391
CF SB 914

By: Delegates Vogel, Barve, Boaf, Boyce, Fair, Grossman, R. Lewis, Miller, Rosenberg, and Watson ~~Watson, Pena-Melnyk, Cullison, Alston, Bagnall, Bhandari, Chisholm, Guzzone, Hill, Hutchinson, S. Johnson, Kaiser, Kerr, Kipke, Lopez, Martinez, M. Morgan, Reilly, Taveras, White, and Woods~~

Introduced and read first time: February 8, 2023

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2023

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of requiring ~~the emergency department~~ of a hospital to ~~conduct a rapid~~
5 include testing for fentanyl as part of a urine drug test for fentanyl in patients with
6 ~~a known or suspected drug overdose if a toxicology report is requested by a treating~~
7 ~~health care provider screening~~; and generally relating to fentanyl testing for hospital
8 ~~patients with a known or suspected overdose.~~

9 BY adding to

10 Article – Health – General

11 Section 19–308.9

12 Annotated Code of Maryland

13 (2019 Replacement Volume and 2022 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

15 That the Laws of Maryland read as follows:

16 **Article – Health – General**

17 **19–308.9.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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



1 (A) EXCEPT AS PROVIDED IN SUBSECTION ~~(B)~~ (C) OF THIS SECTION, ~~AN~~
 2 ~~EMERGENCY DEPARTMENT OF A HOSPITAL TREATING AN INDIVIDUAL FOR A KNOWN~~
 3 ~~OR SUSPECTED DRUG OVERDOSE SHALL CONDUCT ON THE INDIVIDUAL A RAPID~~
 4 ~~URINE DRUG TEST FOR THE PRESENCE OF FENTANYL IF A TREATING HEALTH CARE~~
 5 ~~PROVIDER REQUESTS A TOXICOLOGY SCREEN ON THE INDIVIDUAL~~ IF AN INDIVIDUAL
 6 IS TREATED AT A HOSPITAL AND THE HOSPITAL CONDUCTS A URINE DRUG
 7 SCREENING TO ASSIST IN DIAGNOSING THE INDIVIDUAL'S CONDITION, THE
 8 HOSPITAL SHALL INCLUDE TESTING FOR FENTANYL IN THE INDIVIDUAL'S URINE
 9 DRUG SCREENING.

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

14 ~~(B)~~ (C) THIS SECTION DOES NOT APPLY TO A HOSPITAL THAT DOES NOT
 15 HAVE ~~THE EQUIPMENT TO CONDUCT A RAPID URINE DRUG TEST~~ CHEMICAL
 16 ANALYZER EQUIPMENT.

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.