

SENATE BILL 914

J1, J3

3lr2943
CF HB 811

By: **Senators Ellis and Rosapepe**

Introduced and read first time: February 15, 2023

Assigned to: Rules

Re-referred to: Finance, March 6, 2023

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 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 screening~~; and generally related to fentanyl
7 testing for hospital patients ~~with a known or suspected overdose.~~

8 BY adding to

9 Article – Health – General

10 Section 19–308.9

11 Annotated Code of Maryland

12 (2019 Replacement Volume and 2022 Supplement)

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

15 **Article – Health – General**

16 **19–308.9.**

17 **(A) EXCEPT AS PROVIDED IN SUBSECTION ~~(B)~~ (C) OF THIS SECTION, AN**
18 ~~EMERGENCY DEPARTMENT OF A HOSPITAL TREATING AN INDIVIDUAL FOR A KNOWN~~
19 ~~OR SUSPECTED DRUG OVERDOSE SHALL CONDUCT ON THE INDIVIDUAL A RAPID~~

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 ~~URINE DRUG TEST FOR THE PRESENCE OF FENTANYL~~ IF AN INDIVIDUAL IS TREATED
2 AT A HOSPITAL AND THE HOSPITAL CONDUCTS A URINE DRUG SCREENING TO ASSIST
3 IN DIAGNOSING THE INDIVIDUAL’S CONDITION, THE HOSPITAL SHALL INCLUDE
4 TESTING FOR FENTANYL IN THE INDIVIDUAL’S URINE DRUG SCREENING.

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.