

HB1047/563124/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1047
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in lines 5 and 6, in each instance, strike “sexually assaultive behavior” and substitute “a sexual crime”; in line 5, strike “information” and substitute “evidence”; and strike beginning with “prohibiting” in line 11 down through “assault” in line 13 and substitute “providing, subject to a certain contingency, that selling, offering for sale, or distributing a certain self-administered sexual assault evidence collection kit in violation of regulations adopted by the Attorney General is an unfair, deceptive, or abusive trade practice; requiring the Attorney General to adopt certain regulations”.

On page 2, strike in their entirety lines 14 through 23, inclusive, and substitute:

“BY repealing and reenacting, with amendments,
Article - Commercial Law
Section 14-4602
Annotated Code of Maryland
(2013 Replacement Volume and 2023 Supplement)
(As enacted by Section 1 of this Act)”.

AMENDMENT NO. 2

On page 4, in lines 16 and 17, strike “AND HIGHER EDUCATION INSTITUTIONS AND COLLEGES”.

On page 5, strike beginning with “IN” in line 27 down through “SUBTITLE” in line 28 and substitute “IN THIS SECTION, “SEXUAL CRIME” MEANS:

(1) AN OFFENSE UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;

(2) THE SEXUAL ABUSE OF A MINOR UNDER § 3-604 OF THE CRIMINAL LAW ARTICLE; OR

(3) THE SEXUAL ABUSE OF A VULNERABLE ADULT UNDER § 3-802 OF THE CRIMINAL LAW ARTICLE".

On page 6, in line 1, strike "**INFORMATION**" and substitute "**EVIDENCE**"; in lines 2 and 6, in each instance, strike "**SEXUALLY ASSAULTIVE BEHAVIOR**" and substitute "**A SEXUAL CRIME**"; strike in their entirety lines 9 through 23, inclusive, and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Commercial Law

14-4602.

(a) This section does not apply to a self-administered sexual assault evidence collection kit that is issued by the Maryland Department of Health.

(b) A person may not sell, offer for sale, or distribute a self-administered sexual assault evidence collection kit IN VIOLATION OF REGULATIONS ADOPTED BY THE ATTORNEY GENERAL UNDER THIS SECTION.

(c) (1) A violation of this section is:

(i) An unfair, abusive, or deceptive trade practice within the meaning of Title 13 of this article; and

(ii) Subject to the enforcement and penalty provisions contained in Title 13 of this article.

(2) (i) In addition to any penalty imposed under Title 13 of this article, a person who violates this section is subject to a civil penalty not exceeding

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\$1,000 for each violation.

(ii) The civil penalty under subparagraph (i) of this paragraph is recoverable by the State in a civil action or an administrative cease and desist action under § 13–403(a) and (b) of this article or after an administrative hearing has been held under § 13–403(d)(3) and (4) of this article.

(d) Only the Attorney General may enforce this section.

(e) All fines, penalties, and damages collected for violations of this section shall be deposited into the Forensic Nurse Examiner Training Grant Program Fund established under § 14–4604 of this subtitle.

(F) (1) THE ATTORNEY GENERAL SHALL ADOPT REGULATIONS RELATING TO SELF-ADMINISTERED SEXUAL ASSAULT EVIDENCE COLLECTION KITS.

(2) THE REGULATIONS SHALL INCLUDE REQUIREMENTS FOR:

(I) ITEMS THAT ARE INCLUDED IN SELF-ADMINISTERED SEXUAL ASSAULT EVIDENCE COLLECTION KITS;

(II) TRANSPORTATION AND STORAGE OF SELF-ADMINISTERED SEXUAL ASSAULT EVIDENCE COLLECTION KITS;

(III) TESTING OF SELF-ADMINISTERED SEXUAL ASSAULT EVIDENCE COLLECTION KITS; AND

(IV) PACKAGING, MARKETING, AND REQUIRED DISCLOSURES FOR SELF-ADMINISTERED SEXUAL ASSAULT EVIDENCE COLLECTION KITS.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Attorney General shall adopt regulations relating to self-administered sexual assault evidence collection kits.

(Over)

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(b) The regulations shall include requirements for:

(1) items that are included in self-administered sexual assault evidence collection kits;

(2) transportation and storage of self-administered sexual assault evidence collection kits;

(3) testing of self-administered sexual assault evidence collection kits;
and

(4) packaging, marketing, and required disclosures for self-administered sexual assault evidence collection kits.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) Section 2 of this Act is contingent on the Attorney General adopting regulations as required by Section 3 of this Act. Section 2 of this Act shall take effect on the publication of regulations adopted by the Attorney General under Section 3 of this Act.

(b) The Attorney General shall notify the Department of Legislative Services when the regulations required by Section 3 of this Act have been adopted.

(c) If the Department of Legislative Services receives notice that the Attorney General has adopted the regulations required by Section 3 of this Act, Section 2 of this Act shall take effect on the date the notice is received by the Department of Legislative Services in accordance with subsection (b) of this section.”;

in line 24, strike “2.” and substitute “5.”; and strike beginning with “shall” in line 24 down through “2024” in line 25 and substitute “is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and, except as provided in Section 4 of this Act, shall take effect from the date it is enacted”.