

SENATE BILL 729

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4lr2965
CF 4lr2357

By: **Senator Carter**

Introduced and read first time: January 31, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Security Guards – Use of Force Reporting – Health Care–Related Physical**
3 **Interventions**

4 FOR the purpose of providing that a health care–related physical intervention does not
5 constitute use of force for purposes relating to a certain report required to be made
6 to the Secretary of State Police; prohibiting a certain report from including certain
7 information; and generally relating to use of force reporting by security guards.

8 BY repealing and reenacting, with amendments,
9 Article – Business Occupations and Professions
10 Section 19–414
11 Annotated Code of Maryland
12 (2018 Replacement Volume and 2023 Supplement)
13 (As enacted by Chapter 763 of the Acts of the General Assembly of 2023)

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

16 **Article – Business Occupations and Professions**

17 19–414.

18 (a) (1) In this section[, “use] **THE FOLLOWING WORDS HAVE THE**
19 **MEANINGS INDICATED.**

20 **(2) “HEALTH CARE–RELATED PHYSICAL INTERVENTION” MEANS AN**
21 **ACT THAT IS:**

22 **(I) PERFORMED ON THE PREMISES OF A HEALTH CARE**
23 **FACILITY, AS DEFINED IN § 15–10B–01 OF THE INSURANCE ARTICLE, AT THE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **DIRECTION OF A DOCTOR OR NURSE WHILE ACTING IN THE COURSE OF THE**
2 **DOCTOR’S OR NURSE’S EMPLOYMENT; AND**

3 **(II) 1. A PHYSICAL ACTION OR THE USE OF A DEVICE THAT**
4 **CANNOT BE EASILY REMOVED TO PREVENT, SUPPRESS, OR CONTROL HEAD, BODY,**
5 **OR LIMB MOVEMENT; OR**

6 **2. THE ADMINISTRATION OF DRUGS WITH THE INTENT**
7 **OF SIGNIFICANTLY CURTAILING THE NORMAL MOBILITY OR NORMAL PHYSICAL**
8 **ACTIVITY OF AN INDIVIDUAL IN ORDER TO PROTECT THE INDIVIDUAL FROM**
9 **INJURING THE INDIVIDUAL OR ANOTHER.**

10 **(3) (I) “USE of force” means:**

11 **[(i)] 1. any physical striking of an individual;**

12 **[(ii)] 2. any significant physical contact that restricts the**
13 **movement of an individual, including control techniques; or**

14 **[(iii)] 3. the detainment of an individual without the individual’s**
15 **consent.**

16 **[(2)] (II) “Use of force” includes:**

17 **[(i)] 1. the discharge of a firearm;**

18 **[(ii)] 2. the discharge of pepper mace, as defined in § 4–101 of the**
19 **Criminal Law Article; and**

20 **[(iii)] 3. the use of an electronic control device, as defined in §**
21 **4–109 of the Criminal Law Article.**

22 **[(3)] (III) “Use of force” does not include mere presence, verbal commands,**
23 **[or] escorting an individual with minimal resistance, OR A HEALTH CARE–RELATED**
24 **PHYSICAL INTERVENTION THAT WAS REPORTED AS AN ADVERSE EVENT TO THE**
25 **MARYLAND DEPARTMENT OF HEALTH.**

26 (b) (1) Subject to paragraph (2) of this subsection, a security guard shall report
27 any use of force against a person while providing security guard services on behalf of the
28 licensed security guard agency or for the security guard employer to the security guard
29 agency or the security guard employer within 48 hours after the use of force on a form
30 provided by the Secretary.

1 (2) A security guard is not required to report any use of force against a
2 person within 48 hours after the use of force if the security guard is seriously injured or
3 disabled.

4 (c) (1) A licensed security guard agency or security guard employer shall, in
5 accordance with [paragraph] PARAGRAPHS (2) AND (3) of this subsection, report any use
6 of force by a security guard while providing security guard services on its behalf or for it to
7 the Secretary within 48 hours after receiving the form completed under subsection (b)(1) of
8 this section.

9 (2) The use of force report under paragraph (1) of this subsection shall
10 include:

11 (i) the type of encounter;

12 (ii) the type of force used;

13 (iii) the location of the incident where force was used;

14 (iv) whether the individual against whom force was used was
15 arrested and, if known, what charges the individual received;

16 (v) whether the individual against whom force was used requested
17 or required medical care;

18 (vi) whether the security guard requested or required medical care;

19 (vii) demographic information about any individuals against whom
20 force was used and any security guard involved in the incident, including race, ethnicity,
21 gender, and age; and

22 (viii) the form completed under subsection (b)(1) of this section.

23 **(3) A USE OF FORCE REPORT UNDER PARAGRAPH (1) OF THIS**
24 **SUBSECTION MAY NOT INCLUDE INFORMATION THAT IS PROHIBITED FROM**
25 **DISCLOSURE BY STATE OR FEDERAL LAW.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
27 1, 2024, the effective date of Chapter 763 of the Acts of the General Assembly of 2023. If
28 the effective date of Chapter 763 is amended, this Act shall take effect on the taking effect
29 of Chapter 763.