

Chapter 942

(Senate Bill 729)

AN ACT concerning

~~Security Guards – Use of Force Reporting – Health Care Related Physical Interventions~~  
Business Occupations and Professions – Security Guards – Use of Force Reporting, Standards, and Certifications

FOR the purpose of ~~providing that a health care related physical intervention does not constitute use of force for purposes relating to a certain report required to be made to the Secretary of State Police~~; prohibiting a certain report from including certain information; requiring the employer of a security guard providing security guard services on the premises of a health care facility to report certain information to the Secretary of State Police; altering the effective date of certain provisions of law relating to security guards; and generally relating to ~~use of force reporting by~~ security guards.

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

BY repealing and reenacting, with amendments,  
Chapter 763 of the Acts of the General Assembly of 2023  
Section 2

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

**Article – Business Occupations and Professions**

19–414.

(a) (1) In this section~~], “use] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) “HEALTH CARE RELATED PHYSICAL INTERVENTION” MEANS AN ACT THAT IS:~~

~~(i) PERFORMED ON THE PREMISES OF A HEALTH CARE FACILITY, AS DEFINED IN § 15 10B 01 OF THE INSURANCE ARTICLE, AT THE~~

~~DIRECTION OF A DOCTOR OR NURSE WHILE ACTING IN THE COURSE OF THE DOCTOR'S OR NURSE'S EMPLOYMENT; AND~~

~~(H) 1. A PHYSICAL ACTION OR THE USE OF A DEVICE THAT CANNOT BE EASILY REMOVED TO PREVENT, SUPPRESS, OR CONTROL HEAD, BODY, OR LIMB MOVEMENT; OR~~

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

~~(3) (F) "USE of force" means:~~

~~{(i)} 1. any physical striking of an individual;~~

~~{(ii)} 2. any significant physical contact that restricts the movement of an individual, including control techniques; or~~

~~{(iii)} 3. the detainment of an individual without the individual's consent.~~

~~{(2)} (H) "Use of force" includes:~~

~~{(i)} 1. the discharge of a firearm;~~

~~{(ii)} 2. the discharge of pepper mace, as defined in § 4-101 of the Criminal Law Article; and~~

~~{(iii)} 3. the use of an electronic control device, as defined in § 4-109 of the Criminal Law Article.~~

~~{(3)} (III) "Use of force" does not include mere presence, verbal commands, [or] escorting an individual with minimal resistance, OR A HEALTH CARE RELATED PHYSICAL INTERVENTION THAT WAS REPORTED AS AN ADVERSE EVENT TO THE MARYLAND DEPARTMENT OF HEALTH.~~

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

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

(c) (1) ~~A~~ **EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A** licensed security guard agency or security guard employer shall, in accordance with ~~[paragraph]~~ **PARAGRAPHS (2) AND (3)** of this subsection, report any use of force by a security guard while providing security guard services on its behalf or for it to the Secretary within 48 hours after receiving the form completed under subsection (b)(1) of this section.

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

- (i) the type of encounter;
- (ii) the type of force used;
- (iii) the location of the incident where force was used;
- (iv) whether the individual against whom force was used was arrested and, if known, what charges the individual received;
- (v) whether the individual against whom force was used requested or required medical care;
- (vi) whether the security guard requested or required medical care;
- (vii) demographic information about any individuals against whom force was used and any security guard involved in the incident, including race, ethnicity, gender, and age; and
- (viii) the form completed under subsection (b)(1) of this section.

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

**(D) THE EMPLOYER OF A SECURITY GUARD PROVIDING SECURITY GUARD SERVICES ON THE PREMISES OF A HEALTH CARE FACILITY, AS DEFINED IN § 19-114 OF THE HEALTH – GENERAL ARTICLE, SHALL REPORT EVERY 7 DAYS TO THE SECRETARY OF STATE POLICE ON THE NUMBER OF CODE GREENS INITIATED FOR COMBATIVE PERSONS AND CODE PURPLES INITIATED FOR SECURITY-ONLY RESPONSES, AS THOSE EMERGENCY CODES ARE IDENTIFIED IN TITLE 10 OF THE CODE OF MARYLAND REGULATIONS, OCCURRING IN THE PREVIOUS 7 DAYS.**

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

**Chapter 763 of the Acts of 2023**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect [June 1, 2024] JANUARY 1, 2025.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect ~~June 1, 2024~~ January 1, 2025, the effective date of Chapter 763 of the Acts of the General Assembly of 2023. If the effective date of Chapter 763 is amended, Section 1 of this Act shall take effect on the taking effect of Chapter 763.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect June 1, 2024.

**Approved by the Governor, May 16, 2024.**