

HOUSE BILL 94

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(PRE-FILED)

51r0266
CF SB 224

By: **Chair, Health and Government Operations Committee (By Request –
Departmental – Health)**

Requested: October 6, 2024

Introduced and read first time: January 8, 2025

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Opioid-Associated Disease Prevention and Outreach Programs – Appeals and**
3 **Membership of Standing Advisory Committee**

4 FOR the purpose of authorizing a local health department or community-based
5 organization to appeal to the Secretary of Health or the Secretary's designee, rather
6 than to the Deputy Secretary for Public Health Services, an adverse decision of the
7 Maryland Department of Health and a local health officer regarding an application
8 for authorization to operate an Opioid-Associated Disease Prevention and Outreach
9 Program; altering the membership of the Standing Advisory Committee on
10 Opioid-Associated Disease Prevention and Outreach Programs; and generally
11 relating to Opioid-Associated Disease Prevention and Outreach Programs.

12 BY repealing and reenacting, without amendments,
13 Article – Health – General
14 Section 24-901(a) and (f)
15 Annotated Code of Maryland
16 (2023 Replacement Volume and 2024 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Health – General
19 Section 24-902, 24-904, and 24-905
20 Annotated Code of Maryland
21 (2023 Replacement Volume and 2024 Supplement)

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

24 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 24-901.

2 (a) In this subtitle the following words have the meanings indicated.

3 (f) "Program" means an Opioid-Associated Disease Prevention and Outreach
4 Program.

5 24-902.

6 (a) (1) A Program may be established by a local health department or a
7 community-based organization, subject to the provisions of this subtitle.

8 (2) (i) A county may cooperate with another county to establish a
9 Program.

10 (ii) A community-based organization may establish a multicounty
11 Program.

12 (3) This subtitle does not apply to the AIDS Prevention Sterile Needle and
13 Syringe Exchange Pilot Program established under Subtitle 8 of this title.

14 (b) (1) (i) A local health department or community-based organization
15 shall apply to the Department and a local health officer for authorization to operate a
16 Program.

17 (ii) A local health department or community-based organization
18 may apply at any time for authorization to operate a Program under subparagraph (i) of
19 this paragraph.

20 (2) The Department and a local health officer jointly shall issue an
21 authorization determination based on the ability of a Program to meet the requirements of
22 this subtitle.

23 (3) The Department and a local health officer shall:

24 (i) Approve or deny an application for authorization to operate a
25 Program within 60 days after receiving a complete application; and

26 (ii) Provide to the applicant a written explanation of the decision of
27 the Department and local health officer.

28 (4) (i) A local health department or community-based organization
29 may appeal an adverse decision by the Department and a local health officer to the
30 [Deputy] Secretary [for Public Health Services] **OR THE SECRETARY'S DESIGNEE.**

31 (ii) The [Deputy] Secretary **OR THE SECRETARY'S DESIGNEE**
32 shall:

1 1. Grant or deny an appeal within 60 days after receiving an
2 appeal; and

3 2. Provide a written explanation of the [Deputy] Secretary's
4 **OR THE SECRETARY'S DESIGNEE'S** decision to the local health department or
5 community-based organization.

6 (c) If established under subsection (a) of this section, a Program shall:

7 (1) Provide for substance use outreach, education, and linkage to treatment
8 services to participants, including distribution and collection of hypodermic needles and
9 syringes; and

10 (2) Operate in accordance with:

11 (i) The technical assistance of the Standing Advisory Committee;
12 and

13 (ii) The procedures, plans, and protocols approved by:

14 1. The local health officer for each county in which a Program
15 is established; and

16 2. The Department.

17 24-904.

18 (a) The Department shall appoint a Standing Advisory Committee on
19 Opioid-Associated Disease Prevention and Outreach Programs.

20 (b) The Standing Advisory Committee shall consist of:

21 (1) The [Deputy] Secretary [for Public Health Services] **OR THE**
22 **SECRETARY'S DESIGNEE**;

23 (2) One individual from academia who specializes in public health issues
24 related to substance-related disorders or infectious diseases;

25 (3) One representative from law enforcement, nominated by the Executive
26 Director of the Governor's Office of Crime Prevention and Policy;

27 (4) One individual with expertise in the prevention of HIV or viral
28 hepatitis;

29 (5) One health care practitioner with experience providing services to
30 individuals who inject drugs;

- 1 (6) One individual with substance use experience;
- 2 (7) One family member of an individual who injects or has injected drugs;
- 3 (8) One representative of local law enforcement;
- 4 (9) One local health officer;
- 5 (10) One representative of a local or regional hospital;
- 6 (11) One individual with experience in syringe services programs; and
- 7 (12) Any additional members recommended by the Department.

8 (c) The [Deputy] Secretary [for Public Health Services] **OR THE SECRETARY'S**
9 **DESIGNEE** shall serve as chair of the Standing Advisory Committee.

10 (d) The Standing Advisory Committee shall:

- 11 (1) Provide technical assistance to each Program on developing:
 - 12 (i) Program operating procedures for collection and distribution of
13 hypodermic needles and syringes;
 - 14 (ii) A plan for community outreach and education; and
 - 15 (iii) A protocol for linking Program participants to substance-related
16 disorder treatment and recovery services; and
- 17 (2) Make recommendations to a Program regarding any aspect of Program
18 procedures or operation.

19 24–905.

20 (a) The Department shall:

- 21 (1) Adopt regulations for the implementation of this subtitle, in
22 consultation with the Standing Advisory Committee and the Maryland Association of
23 County Health Officers; and
- 24 (2) Ensure the provision of technical assistance to a Program about best
25 practices, best practice protocols, and other subject areas.

26 (b) The regulations adopted under subsection (a)(1) of this section shall establish:

1 (1) Procedures for ensuring the security of Program locations and
2 equipment;

3 (2) An appeals process for appeals authorized by § 24–902(b)(4) of this
4 subtitle, including the standard of review that the [Deputy] Secretary [for Public Health
5 Services] **OR THE SECRETARY’S DESIGNEE** must apply when reviewing a decision of the
6 Department and a local health officer; and

7 (3) Procedures for data collection and Program evaluation.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
9 1, 2025.