

HOUSE BILL 1293

J3

6lr2892

By: **Delegates Ruff, Acevero, Amprey, Boyce, Edelson, Fraser-Hidalgo, Hornberger, Lewis, Lopez, Martinez, Mireku-North, Phillips, Smith, Solomon, Stinnett, Vogel, and Wolek**

Introduced and read first time: February 12, 2026

Assigned to: Health

A BILL ENTITLED

1 AN ACT concerning

2 **Behavioral Health Programs – Residents at Inpatient Facilities – Sex Offender**
3 **Registry Compliance**

4 FOR the purpose of requiring behavioral health programs that own, lease, operate, or
5 control an inpatient facility to take certain affirmative and reasonable steps to
6 determine whether a resident is required to register under the Maryland Sex
7 Offender Registry; requiring a behavioral health program to take certain steps to
8 ensure a resident’s compliance with the sex offender registry law; and generally
9 relating to behavioral health programs.

10 BY repealing and reenacting, without amendments,
11 Article – Health – General
12 Section 7.5–101(a) and (f)
13 Annotated Code of Maryland
14 (2023 Replacement Volume and 2025 Supplement)

15 BY adding to
16 Article – Health – General
17 Section 7.5–404
18 Annotated Code of Maryland
19 (2023 Replacement Volume and 2025 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Health – General
22 Section 7.5–404
23 Annotated Code of Maryland
24 (2023 Replacement Volume and 2025 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Health – General**

4 7.5–101.

5 (a) In this title the following words have the meanings indicated.

6 (f) “Behavioral health program” means a substance–related disorders program,
7 a mental health program, or an addictive disorders program, or a program that consists of
8 more than one of these programs.

9 **7.5–404.**

10 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
11 **INDICATED.**

12 **(2) “INPATIENT FACILITY” MEANS A DWELLING, GROUP HOME,**
13 **TREATMENT RESIDENCE, OR HOUSING UNIT THAT IS OWNED, LEASED, OPERATED,**
14 **OR OTHERWISE CONTROLLED BY A BEHAVIORAL HEALTH PROGRAM.**

15 **(3) “RESIDENT” MEANS AN INDIVIDUAL WHO RESIDES AT AN**
16 **INPATIENT FACILITY, REGARDLESS OF THE INDIVIDUAL’S LENGTH OF STAY.**

17 **(B) THIS SECTION APPLIES ONLY TO A BEHAVIORAL HEALTH PROGRAM**
18 **THAT OWNS, LEASES, OPERATES, OR CONTROLS AN INPATIENT FACILITY.**

19 **(C) (1) A BEHAVIORAL HEALTH PROGRAM SHALL TAKE AFFIRMATIVE**
20 **AND REASONABLE STEPS TO DETERMINE WHETHER A RESIDENT IS REQUIRED TO**
21 **REGISTER UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE,**
22 **INCLUDING:**

23 **(I) ASKING THE RESIDENT WHETHER THE RESIDENT IS**
24 **REQUIRED BY LAW TO REGISTER AS A SEX OFFENDER; AND**

25 **(II) IF THE RESIDENT IS REQUIRED TO REGISTER, VERIFYING**
26 **WHETHER THE RESIDENT IS LISTED ON THE MARYLAND SEX OFFENDER REGISTRY.**

27 **(2) IF A BEHAVIORAL HEALTH PROGRAM DETERMINES THAT A**
28 **RESIDENT IS REQUIRED TO REGISTER, THE BEHAVIORAL HEALTH PROGRAM SHALL**
29 **TAKE REASONABLE STEPS TO ENSURE COMPLIANCE WITH TITLE 11, SUBTITLE 7 OF**
30 **THE CRIMINAL PROCEDURE ARTICLE, INCLUDING:**

1 **(I) INFORMING THE RESIDENT OF THE RESIDENT'S LEGAL**
2 **OBLIGATIONS;**

3 **(II) ASSISTING WITH COORDINATION OR COMMUNICATING**
4 **WITH APPROPRIATE LAW ENFORCEMENT OR REGISTRY AUTHORITIES; AND**

5 **(III) DOCUMENTING COMPLIANCE EFFORTS.**

6 **(D) A BEHAVIORAL HEALTH PROGRAM MAY DEMONSTRATE COMPLIANCE**
7 **WITH THIS SECTION BY:**

8 **(1) MAINTAINING WRITTEN POLICIES REQUIRING INQUIRY AND**
9 **REGISTRY CHECKS; AND**

10 **(2) DOCUMENTING THE ACTIVITIES REQUIRED UNDER SUBSECTION**
11 **(C)(2) OF THIS SECTION.**

12 **(E) (1) FOR A FIRST VIOLATION OF SUBSECTION (C) OF THIS SECTION BY**
13 **A BEHAVIORAL HEALTH PROGRAM, THE DEPARTMENT SHALL:**

14 **(I) ISSUE A WRITTEN NOTICE OF DEFICIENCY TO THE**
15 **BEHAVIORAL HEALTH PROGRAM; AND**

16 **(II) REQUIRE THE PROGRAM TO SUBMIT AND IMPLEMENT A**
17 **CORRECTIVE ACTION PLAN WITHIN A REASONABLE TIME SPECIFIED BY THE**
18 **DEPARTMENT;**

19 **(2) FOR A SECOND VIOLATION OF SUBSECTION (C) OF THIS SECTION**
20 **BY A BEHAVIORAL HEALTH PROGRAM OR A FAILURE TO CORRECT A DEFICIENCY**
21 **UNDER PARAGRAPH (1) OF THIS SUBSECTION:**

22 **(I) THE BEHAVIORAL HEALTH PROGRAM IS SUBJECT TO A**
23 **CIVIL PENALTY NOT EXCEEDING \$5,000 PER VIOLATION;**

24 **(II) THE DEPARTMENT MAY REQUIRE CONTINUED OR**
25 **ENHANCED CORRECTIVE ACTION; AND**

26 **(III) THE DEPARTMENT MAY IMPOSE ENHANCED MONITORING**
27 **OR REPORTING REQUIREMENTS.**

28 **(3) FOR A THIRD OR SUBSEQUENT VIOLATION OF SUBSECTION (C) OF**
29 **THIS SECTION OR A FAILURE TO CORRECT A DEFICIENCY UNDER PARAGRAPH (1) OF**
30 **THIS SUBSECTION:**

1 **(I) THE BEHAVIORAL HEALTH PROGRAM IS SUBJECT TO A**
2 **CIVIL PENALTY NOT EXCEEDING \$10,000 PER VIOLATION; AND**

3 **(II) THE DEPARTMENT MAY IMPOSE LICENSING OR**
4 **CERTIFICATION SANCTIONS OTHERWISE AUTHORIZED UNDER THIS ARTICLE,**
5 **INCLUDING PROBATION, SUSPENSION OR REVOCATION, OR DENIAL OF RENEWAL.**

6 **(F) THIS SECTION MAY NOT BE CONSTRUED TO:**

7 **(1) REQUIRE A BEHAVIORAL HEALTH PROGRAM TO REGISTER A**
8 **RESIDENT WITH THE MARYLAND SEX OFFENDER REGISTRY ON THE RESIDENT'S**
9 **BEHALF;**

10 **(2) REQUIRE A BEHAVIORAL HEALTH PROGRAM TO MAKE LEGAL**
11 **DETERMINATIONS BEYOND REASONABLE VERIFICATION OF A RESIDENT'S**
12 **REGISTRATION STATUS; OR**

13 **(3) MODIFY REGISTRATION OBLIGATIONS, CLASSIFICATIONS,**
14 **TIMELINES, OR PENALTIES UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL**
15 **PROCEDURE ARTICLE.**

16 **[7.5-404.] 7.5-405.**

17 (a) An individual or organization may not operate a behavioral health program in
18 violation of this subtitle.

19 (b) An individual or organization that operates a behavioral health program
20 without the license required by this subtitle is guilty of a misdemeanor and on conviction
21 is subject to a fine not exceeding \$10,000 for each violation.

22 (c) The Department may file for and pursue an injunction to prevent an
23 individual or organization from operating a behavioral health program without the license
24 required by this subtitle.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2026.