

# SENATE BILL 288

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CF HB 326

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By: **Senators Feldman, Manno, and Mathias**  
Introduced and read first time: January 22, 2018  
Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Overdose and Infectious Disease Prevention Supervised Drug**  
3 **Consumption Facility Program**

4 FOR the purpose of authorizing the establishment of an Overdose and Infectious Disease  
5 Prevention Supervised Drug Consumption Facility Program by a community–based  
6 organization; requiring the Maryland Department of Health, in consultation with  
7 the local health department, to make a certain determination on a certain  
8 application based on certain criteria and within a certain period of time; requiring  
9 the Department, in consultation with the local health department, to provide a  
10 written explanation of a certain determination to a certain entity; requiring a  
11 Program to provide certain services, provide certain training, and establish a method  
12 of identifying certain staff; authorizing a Program to bill a certain insurance carrier  
13 under certain circumstances for certain services provided, accept donations, grants,  
14 and other financial assistance, apply for certain grants, coordinate with certain  
15 programs or organizations, and use certain facilities; prohibiting the location of a  
16 Program in certain areas; prohibiting certain persons, under certain circumstances,  
17 from being subject to arrest, prosecution, or certain penalties or from being denied  
18 any right or privilege for involvement in the operation or use of services of a Program;  
19 prohibiting certain persons, under certain circumstances, from being subject to the  
20 seizure or forfeiture of certain real or personal property under certain laws; providing  
21 that certain persons are not immune from criminal prosecution for certain activities;  
22 requiring a certain Program to submit a certain report that includes certain  
23 information to the Department and a certain committee on or before a certain date  
24 each year; defining certain terms; and generally relating to an Overdose and  
25 Infectious Disease Prevention Supervised Drug Consumption Facility Program.

26 BY adding to  
27 Article – Health – General  
28 Section 24–1501 through 24–1506 to be under the new subtitle “Subtitle 15.  
29 Overdose and Infectious Disease Prevention Supervised Drug Consumption  
30 Facility Program”

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2015 Replacement Volume and 2017 Supplement)

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

5 **Article – Health – General**

6 **SUBTITLE 15. OVERDOSE AND INFECTIOUS DISEASE PREVENTION SUPERVISED**  
7 **DRUG CONSUMPTION FACILITY PROGRAM.**

8 **24–1501.**

9 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
10 INDICATED.

11 (B) (1) “COMMUNITY–BASED ORGANIZATION” MEANS A PUBLIC OR  
12 PRIVATE ORGANIZATION THAT:

13 (I) IS REPRESENTATIVE OF A COMMUNITY OR SIGNIFICANT  
14 SEGMENTS OF A COMMUNITY; AND

15 (II) PROVIDES EDUCATIONAL, HEALTH, OR SOCIAL SERVICES  
16 TO INDIVIDUALS IN THE COMMUNITY.

17 (2) “COMMUNITY–BASED ORGANIZATION” INCLUDES:

18 (I) HOSPITALS;

19 (II) CLINICS;

20 (III) SUBSTANCE ABUSE TREATMENT CENTERS;

21 (IV) MEDICAL OFFICES;

22 (V) FEDERALLY QUALIFIED HEALTH CENTERS;

23 (VI) MENTAL HEALTH FACILITIES; AND

24 (VII) LOCAL HEALTH DEPARTMENTS.

25 (C) “PROGRAM” MEANS AN OVERDOSE AND INFECTIOUS DISEASE  
26 PREVENTION SUPERVISED DRUG CONSUMPTION FACILITY PROGRAM.

1 **24-1502.**

2 (A) A COMMUNITY-BASED ORGANIZATION MAY ESTABLISH AN OVERDOSE  
3 AND INFECTIOUS DISEASE PREVENTION SUPERVISED DRUG CONSUMPTION  
4 FACILITY PROGRAM IN ONE OR MORE JURISDICTIONS WITH THE APPROVAL OF THE  
5 DEPARTMENT, IN CONSULTATION WITH THE LOCAL HEALTH DEPARTMENT.

6 (B) A COMMUNITY-BASED ORGANIZATION MAY APPLY TO THE  
7 DEPARTMENT FOR APPROVAL OF A PROGRAM AT ANY TIME, REGARDLESS OF  
8 PREVIOUS APPLICATIONS.

9 (C) THE DEPARTMENT, IN CONSULTATION WITH THE LOCAL HEALTH  
10 DEPARTMENT, SHALL MAKE ITS DETERMINATION OF WHETHER TO APPROVE AN  
11 APPLICATION SUBMITTED UNDER THIS SECTION BASED ON THE ABILITY OF THE  
12 COMMUNITY-BASED ORGANIZATION TO SATISFY THE REQUIREMENTS OF §§  
13 24-1503, 24-1504, AND 24-1505 OF THIS SUBTITLE.

14 (D) THE DEPARTMENT, IN CONSULTATION WITH THE LOCAL HEALTH  
15 DEPARTMENT, SHALL:

16 (1) APPROVE OR DENY AN APPLICATION OF A COMMUNITY-BASED  
17 ORGANIZATION WITHIN 45 DAYS AFTER THE DAY ON WHICH THE APPLICATION IS  
18 RECEIVED; AND

19 (2) PROVIDE A WRITTEN EXPLANATION OF THE DEPARTMENT'S  
20 DETERMINATION TO THE COMMUNITY-BASED ORGANIZATION.

21 **24-1503.**

22 (A) A PROGRAM SHALL:

23 (1) PROVIDE A LOCATION SUPERVISED BY HEALTH CARE  
24 PROFESSIONALS OR OTHER TRAINED STAFF WHERE DRUG USERS CAN  
25 CONSUME PREOBTAINED DRUGS;

26 (2) PROVIDE STERILE INJECTION SUPPLIES, COLLECT USED  
27 HYPODERMIC NEEDLES AND SYRINGES, AND PROVIDE SECURE HYPODERMIC  
28 NEEDLE AND SYRINGE DISPOSAL SERVICES;

29 (3) ANSWER QUESTIONS ABOUT SAFE INJECTION PRACTICES;

1           **(4) ADMINISTER FIRST AID, IF NEEDED, MONITOR PARTICIPANTS FOR**  
2 **POTENTIAL OVERDOSE, AND ADMINISTER RESCUE MEDICATIONS, INCLUDING**  
3 **NALOXONE;**

4           **(5) PROVIDE ACCESS OR REFERRALS TO SERVICES, INCLUDING:**

5                   **(I) SUBSTANCE ABUSE DISORDER COUNSELING AND**  
6 **TREATMENT SERVICES;**

7                   **(II) TESTING FOR HIV, VIRAL HEPATITIS, AND SEXUALLY**  
8 **TRANSMITTED DISEASES;**

9                   **(III) REPRODUCTIVE HEALTH EDUCATION AND SERVICES; AND**

10                   **(IV) WOUND CARE;**

11           **(6) EDUCATE PARTICIPANTS ON THE RISKS OF CONTRACTING HIV**  
12 **AND VIRAL HEPATITIS;**

13           **(7) PROVIDE OVERDOSE PREVENTION EDUCATION AND ACCESS TO**  
14 **OR REFERRALS TO OBTAIN NALOXONE;**

15           **(8) EDUCATE PARTICIPANTS REGARDING PROPER DISPOSAL OF**  
16 **HYPODERMIC NEEDLES AND SYRINGES;**

17           **(9) PROVIDE REASONABLE AND ADEQUATE SECURITY OF THE**  
18 **PROGRAM SITE AND EQUIPMENT;**

19           **(10) ESTABLISH A METHOD OF IDENTIFYING PROGRAM STAFF**  
20 **MEMBERS WHO ARE AUTHORIZED TO ACCESS HYPODERMIC NEEDLES AND SYRINGES**  
21 **AND PROGRAM RECORDS; AND**

22           **(11) TRAIN STAFF MEMBERS TO DELIVER SERVICES OFFERED BY THE**  
23 **PROGRAM.**

24           **(B) A PROGRAM MAY:**

25                   **(1) WITH THE CONSENT OF THE INDIVIDUAL, BILL THE INSURANCE**  
26 **CARRIER OF AN INDIVIDUAL WHO USES THE SERVICES OF THE PROGRAM FOR THE**  
27 **COST OF COVERED SERVICES;**

28                   **(2) ACCEPT DONATIONS, GRANTS, OR OTHER FINANCIAL**  
29 **ASSISTANCE;**

1           **(3) APPLY FOR GRANTS FROM THE DEPARTMENT OR ANY NONPROFIT**  
2 **OR OTHER PRIVATE ORGANIZATION;**

3           **(4) COORDINATE WITH ANY OPIOID-ASSOCIATED SUBSTANCE ABUSE**  
4 **PREVENTION AND OUTREACH PROGRAM OR COMMUNITY-BASED ORGANIZATION;**  
5 **AND**

6           **(5) USE A MOBILE FACILITY TO OPERATE AND PROVIDE SERVICES.**

7           **(C) A PROGRAM MAY NOT BE LOCATED IN AN AREA THAT IS ZONED FOR**  
8 **RESIDENTIAL USES.**

9 **24-1504.**

10           **(A) ANY OF THE FOLLOWING PERSONS ACTING IN ACCORDANCE WITH THE**  
11 **PROVISIONS OF THIS SUBTITLE MAY NOT BE SUBJECT TO ARREST, PROSECUTION,**  
12 **OR ANY CIVIL OR ADMINISTRATIVE PENALTY, INCLUDING A CIVIL PENALTY OR**  
13 **DISCIPLINARY ACTION BY A PROFESSIONAL LICENSING BOARD, OR BE DENIED ANY**  
14 **RIGHT OR PRIVILEGE FOR INVOLVEMENT IN THE OPERATION OR USE OF SERVICES**  
15 **OF THE PROGRAM:**

16           **(1) AN INDIVIDUAL WHO USES SERVICES OF A PROGRAM;**

17           **(2) A STAFF MEMBER OF A PROGRAM, INCLUDING A HEALTH CARE**  
18 **PROFESSIONAL, A MANAGER, AN EMPLOYEE, OR A VOLUNTEER; OR**

19           **(3) A PROPERTY OWNER WHO OWNS THE FACILITY AT WHICH A**  
20 **PROGRAM IS LOCATED AND OPERATES.**

21           **(B) ANY PROPERTY OWNER, MANAGER, EMPLOYEE, VOLUNTEER, OR**  
22 **INDIVIDUAL USING THE SERVICES OF A PROGRAM AND ACTING IN ACCORDANCE**  
23 **WITH THE PROVISIONS OF THIS SUBTITLE MAY NOT BE SUBJECT UNDER STATE OR**  
24 **LOCAL LAW TO THE SEIZURE OR FORFEITURE OF ANY REAL OR PERSONAL**  
25 **PROPERTY USED IN CONNECTION WITH A PROGRAM.**

26 **24-1505.**

27           **NOTWITHSTANDING THE PROVISIONS OF § 24-1504 OF THIS SUBTITLE, A**  
28 **PROPERTY OWNER, A MANAGER, AN EMPLOYEE, A VOLUNTEER, OR AN INDIVIDUAL**  
29 **USING THE SERVICES OF A PROGRAM IS NOT IMMUNE FROM CRIMINAL**  
30 **PROSECUTION FOR ANY ACTIVITIES NOT AUTHORIZED OR APPROVED BY THE**  
31 **PROGRAM.**

1 24-1506.

2 ON OR BEFORE DECEMBER 1 EACH YEAR, A PROGRAM ESTABLISHED UNDER  
3 THIS SUBTITLE SHALL SUBMIT TO THE DEPARTMENT AND, IN ACCORDANCE WITH §  
4 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE JOINT COMMITTEE ON  
5 BEHAVIORAL HEALTH AND OPIOID USE DISORDERS A REPORT THAT INCLUDES THE  
6 FOLLOWING INFORMATION:

7 (1) THE NUMBER OF PROGRAM PARTICIPANTS AND THE NUMBER OF  
8 TIMES A PARTICIPANT USED THE PROGRAM'S SERVICES;

9 (2) AGGREGATE INFORMATION REGARDING THE DEMOGRAPHIC  
10 PROFILE OF PROGRAM PARTICIPANTS;

11 (3) THE NUMBER OF:

12 (I) HYPODERMIC NEEDLES AND SYRINGES DISTRIBUTED FOR  
13 USE ON-SITE; AND

14 (II) OVERDOSES EXPERIENCED ON-SITE AND OVERDOSES  
15 REVERSED ON-SITE;

16 (4) THE NUMBER OF INDIVIDUALS WHO RECEIVED OVERDOSE CARE  
17 AND THE TYPE AND NUMBER OF RESCUE DRUGS USED; AND

18 (5) THE NUMBER OF INDIVIDUALS REFERRED BY THE PROGRAM TO  
19 OTHER SERVICES AND THE TYPE OF SERVICE TO WHICH THE INDIVIDUALS WERE  
20 REFERRED.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2018.