

SENATE BILL 91

J1

6lr0115

(PRE-FILED)

By: **Chair, Finance Committee (By Request – Departmental – Health and Mental Hygiene)**

Requested: October 21, 2015

Introduced and read first time: January 13, 2016

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 26, 2016

CHAPTER _____

1 AN ACT concerning

2 **Public Health – State-Identified HIV Priorities**

3 FOR the purpose of requiring certain rebates received by the Department of Health and
4 Mental Hygiene from the Maryland AIDS Drug Assistance Program to be distributed
5 to a certain fund and used only to fund certain HIV prevention, surveillance, and
6 care services; requiring the Secretary of Health and Mental Hygiene to adopt certain
7 regulations; and generally relating to State-identified priorities for HIV prevention,
8 surveillance, and care services.

9 BY repealing and reenacting, with amendments,
10 Article – Health – General
11 Section 2-104(j)
12 Annotated Code of Maryland
13 (2015 Replacement Volume)

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

16 **Article – Health – General**

17 2-104.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (j) (1) Except as otherwise provided by law and [paragraph] PARAGRAPHS
2 (2) AND (3) of this subsection, the Secretary shall pay all money collected by the
3 Department under this article into the General Fund of this State.

4 (2) Any rebates received by the Department from the Maryland AIDS Drug
5 Assistance Program shall be distributed to a special nonlapsing fund that is not subject to
6 § 7-302 of the State Finance and Procurement Article, to be used only to fund:

7 (i) The Maryland AIDS Drug Assistance Program (MADAP);

8 (ii) The Maryland AIDS Drug Assistance Program Plus
9 (MADAP-Plus); and

10 (iii) Any other services to eligible individuals as allowable under Part
11 B of the federal Ryan White HIV/AIDS Program.

12 (3) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, ANY
13 REBATES RECEIVED BY THE DEPARTMENT FROM THE MARYLAND AIDS DRUG
14 ASSISTANCE PROGRAM AS A RESULT OF STATE GENERAL FUND EXPENDITURES
15 SHALL BE:

16 (I) DISTRIBUTED TO A SEPARATE SPECIAL NONLAPSING FUND
17 THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT
18 ARTICLE; AND

19 (II) USED ONLY TO FUND STATE-IDENTIFIED PRIORITIES FOR
20 HIV PREVENTION, SURVEILLANCE, AND CARE SERVICES.

21 (4) THE SECRETARY SHALL ADOPT REGULATIONS ESTABLISHING, AS
22 APPROPRIATE, INCOME AND OTHER ELIGIBILITY CRITERIA FOR THE RECEIPT OF
23 HIV PREVENTION AND CARE SERVICES FUNDED UNDER PARAGRAPH (3) OF THIS
24 SUBSECTION.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
26 1, 2016.