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MARYLAND GENERAL ASSEMBLY 2019 Public Health Legislative Summary

Tobacco

House Bill 1052: Alcohol and Tobacco Commission: PASSED

This bill would establish the Alcohol and Tobacco Commission and would transfer responsibilities from the Comptroller to the Executive Director of the Commission. Responsibilities of the Commission include conducting studies of similar laws in different states, developing best practice for compliance, and ensuring appropriate licensing and enforcement. This bill received a favorable with amendments report from the House Economic Matters Committee and the Senate Education, Health and Environmental Affairs Committee. The bill passed the House and Senate with amendments, survived the Governor's veto, and will take effect June 1, 2020.

House Bill 1169: Business Regulation – Tobacco Products and Electronic Smoking Devices – Revisions: PASSED

This bill would increase the minimum age to purchase tobacco products and electronic smoking devices from eighteen to twenty-one years old, except for those who provide valid military identification. The bill also would change the definition of "tobacco product" to include "electronic smoking devices," and changed "electronic nicotine delivery systems" to "electronic smoking devices" in Title 16.7 of the Maryland Code. The bill requires signs in licensed tobacco and electronic smoking device retailers announcing the new minimum age. The bill also repeals penalties against youth who purchase, possess, or use tobacco. *This bill received a favorable report with amendments in the House Economic Matters Committee and the Senate Finance Committee. The bill passed both the House and the Senate and takes effect October 1, 2019.*

Senate Bill 310: Baltimore City - Unpackaged Cigarettes - Prohibition on Sale: PASSED

This bill would prohibit a certain person from selling an unpackaged cigarette; authorizing an enforcement officer of the Tobacco Use Prevention and Cessation Program in the Baltimore City Health Department to enforce this law. It would also require an enforcement officer to report a violation of the Act to the State's Attorney and would provide that issuance of a citation for violation of a certain provision of law precludes

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prosecution under the Act for a violation arising out of the same incident. The bill was heard by the House Rules and Executive Nominations Committee and the Senate Economic Matters Committee. The bill passed the Senate.

Montgomery County Bill 35-18: Outdoor Smoking Areas: PASSED

This bill would prohibit smoking in certain outdoor serving areas, except while actively passing on the way to another destination. The provisions do not apply to a golf course or outdoor seating area associated with a golf course if food and drink are not served in that area. Additionally, eating and drinking establishments do have the option to designate a smoking/vaping space in the outside seating area that is a rooftop or balcony. Montgomery County is the first county in Maryland to take this step. *The bill passed unanimously in the Montgomery County Council.*

House Bill 27: Clean Indoor Air Act – Use of Electronic Cigarette Devices – Prohibition: FAILED

This bill would have altered the Clean Indoor Air Act to include a prohibition of the use of an electronic cigarette device in indoor areas open to the public, including indoor places of employment, and onboard mass transportation. The bill's hearing in the Economic Matters Committee was permanently canceled and the bill was withdrawn. The bill was previously introduced in 2018, but received an unfavorable report.

House Bill 1185/Senate Bill 895: Electronic Nicotine Delivery Systems – Prohibitions and Requirements: FAILED

This bill would have required the Secretary of Health to adopt regulations setting standards for the labeling and child-resistant packaging for Electronic Nicotine Delivery Systems and vaping liquid. The bill would have also restricted the types of advertising licensed manufacturers and vape shop owners could have used, and added age verification requirements. This bill was heard in the House Economic Matters Committee and Senate Finance Committee. The bill received an unfavorable report and was withdrawn from the House Economic Matters Committee.

House Bill 1217/SB497: Pharmacists - Aids for the Cessation of Tobacco Product Use - Prescribing and Dispensing: FAILED

This bill would have authorized a pharmacist to prescribe and dispense aids for the cessation of the use of tobacco products. It would also require the State Board of Pharmacy, by September 1, 2020, to adopt services rendered by a licensed pharmacist under the Act to the same extent as certain services rendered by any other licensed health care practitioner. This bill was heard in the Senate Education, Health and Environmental Affairs Committee and the House Health and Government Operations Committee. It received an unfavorable report by the Senate Education, Health and Environmental Affairs Committee and was withdrawn in the Health and Government Operations Committee.

Injury Prevention

House Bill 181/Senate Bill 103: Criminal Law - Electronic Harassment and Bullying (Grace's Law 2.0): PASSED

This bill serves to prohibit electronic harassment of minors. The act prohibits a person from maliciously engaging in a series of electronic communications intending to, or causing, intimidation or harassment, physical or emotional injury, or encourage a minor to commit suicide. HB 181 received a favorable with amendments report by the House Judiciary Committee; SB103 received a favorable with amendments report by the Senate Judicial Proceedings Committee. The bill passed enrolled in the Senate and returned passed in the House; it will take effect October 1, 2019.

House Bill 5/Senate Bill 146: Commercial Driver's Licenses - Recognition, Prevention and Reporting of Human Trafficking: PASSED

This bill requires commercial driver's license training schools to provide training on the recognition, prevention, and effective reporting of human trafficking as part of the curriculum. The bill additionally requires the Motor Vehicle Administration to include content on the recognition prevention, and effective reporting of human trafficking in the Commercial Driver's License Manual and to provide this information to applicants renewing a commercial driver's license. SB146 passed enrolled in the Senate and passed third reading with amendments in the House Environment and Transportation Committee. The bill will take effect October 1, 2019.

House Bill 1183/Senate Bill 251: Public Health - Treatment for the Prevention of HIV - Consent by Minors: PASSED

This bill establishes that if a minor has the same capacity as an adult, they may consent to treatment for the prevention of HIV. The bill will alleviate liability from licensed healthcare practitioners who treat a minor accordingly. SB251 received a favorable with amendments report from the Senate Finance Committee and was returned passed; HB1183 received a favorable report in the House Health and Government Operations Committee and was returned passed. The bill will take effect October 1, 2019.

House Bill 55/Senate Bill 245: Transportation - Ignition Interlock System - Definition: PASSED

This bill adds to the definition of ignition interlock devices by requiring the device to be capable of capturing still images of the person using the device. The device cannot have the capability to record sound or video. images can only be captured while the device is testing the blood alcohol level or to determine if the individual is tampering with the device. SB245 received a favorable with amendments report in the Senate Judicial Proceedings Committee and was returned passed. HB55 received a favorable with amendments reported in the House Judiciary Committee and was returned passed. This bill takes effect on October 1, 2019.

House Bill 583/Senate Bill 356: Health - Maternal Mortality Review Program - Recommendations and Reporting Requirement: PASSED

This bill will require the Maternal Mortality Review Program, together with the Office of Minority and Health and Health Disparities, to make recommendations intended to reduce disparities in maternal mortality rate. The bill further requires the Secretary of Health to include annual reporting on the Maternal Mortality Review

Program including information on racial disparities comparing mortality rates, the number of live births by race, and leading causes of death by race, among other information. SB356 passed enrolled in the Senate and passed with amendments in the House. The bill will take effect October 1, 2019.

House Bill 486/Senate Bill 541: Education - Personnel Matters - Child Sexual Abuse and Misconduct Prevention: PASSED

This bill will require county boards of education, nonpublic schools, and contracting agencies to require that any applicant for a position involving direct contact with children submit information about instances of sexual abuse or misconduct in previous employment. The applicant must disclose the following: (1) whether the applicant has been the subject of child sexual abuse or misconduct investigation, (2) if the applicant has ever been disciplined, discharged, non-renewed or asked to resign, resigned, or otherwise separated from any employment while under or due to a child sexual abuse or misconduct investigation or adjudication, and (3) whether the applicant has ever had their license revoked, suspended, surrendered, or revoked while or due to a child sexual abuse or misconduct investigation or adjudication. County boards of education, nonpublic schools, and certain contracting agencies must review the employment history of the applicant prior to hiring. *SB486 and SB541 returned passed. The bill will take effect July 1*, 2019.

House Bill 1268/Senate Bill 569: Public Safety - Rape Kit Testing Grant Fund - Established: PASSED

This bill establishes a rape kit testing grant fund to aid law enforcement agencies with the funding to test sexual assault evidence kits by forensic laboratories. The Executive Director of the Governor's Office of Crime Control and Prevention is responsible for administering the fund and ensuring that there are procedures for distributing the funds to law enforcement agencies as well as that each jurisdiction with a forensic laboratory is able to access the fund. These funds can only be used for equipment, supplies, personnel and the necessary outsourcing to test sexual assault evidence kits. SB569 received a favorable with amendments report in the Senate Judicial Proceedings Committee and returned passed in the Senate. HB1268 received a favorable with amendments reported in the House Appropriations Committee and returned passed. The bill will take effect October 1, 2019.

House Bill 1249/Senate Bill 657: Pilot Program - Alleged Rape, Sexual Offense, or Child Sexual Abuse - HIV Postexposure Prophylaxis: PASSED

This bill establishes the Pilot Program for Preventing HIV Infection for Rape Victims. The program will provide a victim of an alleged rape or sexual offense or child sexual abuse, treatment and follow-up care for postexposure prophylaxis for the prevention of HIV infection to the victim. *HB1249 received a favorable with amendments report by the House Health and Government Operations Committee and returned passed in the House.* SB657 returned passed in the Senate. The bill will take effect October 1, 2019.

House Bill 1096/Senate Bill 767: Criminal Procedure - Sexual Assault Evidence Collection Kits - Analysis: PASSED

This bill requires sexual assault evidence collection kits to be submitted to a forensic laboratory for testing, unless there is clear evidence disproving the allegation, the alleged facts could not be interpreted as a violation of any applicable law, the victim for whom the evidence was collected declines to give consent, or the suspect's DNA profile has been entered into CODIS and the suspect has pleaded guilty to the offense that led to the

collection of the evidence. This bill also requires forensic laboratories to complete testing in a timely manner and provide annual reports to the Maryland Sexual Assault Evidence Kit Policy and Funding Committee regarding the length of time needed to complete testing. SB767 received a favorable with amendments in the Senate Judicial Proceedings Committee. HB1096 a favorable with amendments report in the House Judiciary Committee and the House concurred with the amendments in the Senate and the bill passed enrolled. Some provisions of the bill take effect on July 1, 2019, and others on January 1, 2020.

Senate Bill 521: Veteran Suicide Prevention - Comprehensive Action Plan: PASSED

This bill requires the Maryland Department of Health to develop an action plan to provide veterans with increased access to professional mental health care services to prevent veteran suicide. The plan must include initiatives, reforms, and plans for implementation including dates/timelines, Department plans to collaborate with other parties, and other information relating to a comprehensive action plan for veteran suicide prevention. The Department must implement the short-term initiatives and reforms within its plan by June 30, 2023, and long-term initiatives and reforms by June 30, 2029. The bill received a favorable with amendment report by the Senate Finance Committee, passed the House and was returned passed by the Senate. The bill will take effect July 1, 2019.

House Bill 1160: Public Health - Breathe Easy East Baltimore Pilot Program: PASSED

This bill aims to study the effects of asthma remediation using education, structural interventions and other services that the Baltimore City Health Department and the Green and Healthy Homes Initiative deem necessary. The goal is to study the effect of these services on health, economic, and educational outcomes for children in the studied homes versus the homes that are not provided the interventions. Funds of \$100,000 are to be included in the budget in 2021 for the Baltimore City Health Department for the administration of this program. This bill received a favorable with amendments report in the Health and Government Operations Committee and returned passed. This bill takes effect on July 1, 2019.

House Bill 1252: Child Abuse and Neglect - Training of Healthcare Professionals: FAILED

This bill requires the Maryland Department of Health to provide a list of generally recommend courses about the reporting obligations for abuse and neglect and methods of identifying abused and neglected children to individuals that are governed by a board. This bill received a favorable with amendments report by the House Judiciary Committee and had a hearing scheduled in the Senate Judicial Proceedings Committee on March 28 but was not voted on.

House Bill 234/Senate Bill 162: Criminal Law - Crime of Violence - Human Trafficking: FAILED

This bill classifies human trafficking as a crime of violence. SB162 received a favorable with amendments report in the Senate Judicial Proceedings Committee and passed third reading. SB162 and HB234 each had hearings before the Senate Judiciary Committee but was not voted on.

House Bill 1182: Maryland Stepping Up to Reduce Mental Illness in Correctional Facilities Commission: FAILED

This bill would have established the Maryland Stepping Up to Reduce Mental Illness in Correctional Facilities Commission. The goal of the Commission would have been to study and make recommendations relating to reducing the number of inmates suffering from mental illness in correctional facilities in the State. *The bill was withdrawn following an unfavorable report by the House Judiciary Committee.*

Cannabis

House Bill 17/Senate Bill B857: Natalie M. LaPrade Medical Cannabis Commission - Food Containing Medical Cannabis: PASSED

This bill would allow dispensaries and dispensary agents to acquire, possess, process, transfer, transport, sell, distribute, or dispense food containing medical cannabis for use by a qualifying patient or caregiver. HB 17 was amended to include language from several other bills, including SB 859 (advertisements), SB 858 (academic research), and SB 860 (parole/probation). HB 17 was cross filed with SB 857. SB 857 failed to make its way through the House of Delegates after getting out of the Senate with a vote of 47-0. HB 17 was given a favorable report with amendments in the Health and Government Operations Committee and passed the House 130-10. It was then assigned to the Judicial Proceedings Committee and passed through the Senate 46-0.

Senate Bill 858: Natalie M. LaPrade Medical Cannabis Commission—Academic Research—Medical Uses and Properties of Cannabis: FAILED

This bill authorizes an institution of higher education, a related medical facility, or an affiliated biomedical research firm to file with the Natalie M. LaPrade Medical Cannabis Commission a registration to purchase medical cannabis for the purpose of conducting a bona fide research project relating to the medical uses, properties, or composition of cannabis. This bill requires the Commission to allow certain dispensaries and dispensary agents to acquire, possess, transfer, sell, distribute or dispense edible cannabis products. *The language from this bill was included in an amendment to HB 17.* The bill was given a favorable report from the Judicial Proceedings Committee and passed the Senate 46-0. The bill was then assigned to Health and Government Operations Committee but was not voted on.

Senate Bill 859: Natalie M. LaPrade Medical Cannabis Commission – Advertisements: FAILED

This bill requires that all advertisements for medical cannabis, medical cannabis products, or medical cannabis related services be consistent with certain federal regulations governing prescription drug advertising. It prohibits advertisements from being false or misleading and requires all advertising for medical cannabis or medical cannabis products include a statement that the product is for use only by a qualifying patient. *The language from this bill was included in an amendment to HB 17.* This bill was assigned to the Judicial Proceedings Committee where it received a favorable report with amendments; the bill passed the Senate 46-0 and was assigned to the House Rules and Executive Nominations Committee. No subsequent action was taken.

Senate Bill 860: Natalie M. LaPrade Medical Cannabis Commission – Immunity – Revocation of Release: FAILED

This bill prohibits persons from being subject to revocation of mandatory supervision, parole, or probation for the medical use of or possession of medical cannabis. *The language of this bill was included in an amendment to HB 17.* This bill was assigned to the Judicial Proceedings Committee and given a favorable report and passed the Senate 43-3. The bill was then assigned to the Health and Government Operations Committee. After its March 27th hearing, no subsequent action was taken

Senate Bill 426: Natalie M. LaPrade Medical Cannabis Commission - Licensed Dispensaries: PASSED

This bill requires the Natalie M. LaPrade Medical Cannabis Commission to allow a person to have an ownership interest in or control of (including the power to manage and operate) as many as four licensed dispensaries. The bill also clarifies the existing limit of one ownership interest for licensed growers and codifies a limit of one ownership interest for licensed processors. Finally, the bill explicitly subjects licensed growers, dispensaries, and processors to the Maryland Antitrust Act and the Maryland Sales Below Cost Act. SB 426 was given a favorable report with amendments by the Judicial Proceedings Committee and passed the Senate 42-1. It was assigned to the Health and Government Operations Committee, was given favorable report, and passed the House 129-7.

House Bill 505/Senate Bill 86: Possession of Medical Cannabis – Local Correctional Facilities and Home Detention Program – Prohibition: FAILED

This bill provides that the law is not to be construed to authorize the possession of marijuana or cannabis on the grounds of a local correctional facility or while an offender is in a home detention program. It also authorizes the imposition of penalties for the possession of marijuana or cannabis on the grounds of a local correctional facility and while an offender is in a home detention program. HB 505 was assigned to the Health and Government Operations Committee, but no movement was taken after its February 20th hearing. SB 86 received an unfavorable report by the Judicial Proceedings Committee.

Senate Bill 97: Firearms – Right to Purchase, Possess, and Carry – Use of Medical Cannabis: FAILED

This bill provides that a person may not be denied the right to purchase, possess, or carry a firearm solely on the basis that the person is authorized to use medical cannabis. *The bill was assigned to the Judicial Proceedings Committee, received a favorable report with amendments, and passed 46-0. It was assigned to the House Judiciary Committee, but no movement was taken after the hearing.*

House Bill 656/ Senate Bill 771: Cannabis – Legalization, Taxation, and Regulation: FAILED

This bill substitutes the term "cannabis" for the term "marijuana" in certain provisions of law. It also alters the amount of quantity threshold and establishes an age limit applicable to civil offense of use or possession of cannabis. It establishes a civil offense for use or possession of a certain amount of cannabis for a person of at least a certain age. It establishes the Cannabis Regulation Division in the Office of the Comptroller. It authorizes the Comptroller to employ certain officers and employees. The House bill was assigned to the Ways and Means Committee where a hearing was held, but the bill was not voted on. The Senate bill was assigned to the Judicial Proceedings Committee where a hearing was held, but the bill was not voted on.

Senate Bill 862: Landlord-Tenant - Tenant Protections - Medical Cannabis: FAILED

This bill prohibits a landlord from denying a patient a lease solely on the basis of the possession of medical cannabis or the consumption of nonsmoked medical cannabis. It also provides that a certain tenant who possesses medical cannabis or consumes nonsmoked medical cannabis is not in breach of a lease solely on the basis of the possession or the consumption. This bill was assigned to the Judicial Proceedings Committee; the bill as heard but not voted on.

Senate Bill 863: Labor and Employment – Screening for Use of Marijuana or Cannabis: FAILED

This bill prohibits employers from requiring an applicant for employment or an employee to disclose the applicant's or employee's use of marijuana or cannabis and from taking other action. It provides that certain provisions of the Act do not prohibit an employer from making a certain inquiry or taking certain other action. It authorizes the Commissioner on a certain determination to resolve certain issues informally or by mediation. The bill was assigned to the Judicial Proceedings Committee; the bill was heard but not voted on.

Senate Bill 864: Contracts and Employment – Discrimination Against Medical Cannabis Patients and Caregivers- Prohibition: FAILED

This bill prohibits a party to a contract from rescinding a contract between the party and a qualifying patient or caregiver based on the individual's status as a qualifying patient or caregiver. It prohibits an employer from discriminating against a qualifying patient or caregiver in a certain manner based on the individual's status as a qualifying patient or caregiver or, with respect to a qualifying patient, a certain drug test result. *The bill was assigned to the Judicial Proceedings Committee; the bill was heard but not voted on.*

Senate Bill 967: Natalie M. LaPrade Medical Cannabis Commission – Advertising: FAILED

This bill prohibits growers, processors, dispensaries, independent testing laboratories, and certain third-party vendors from placing or maintaining, or causing to be placed or maintained, advertisements for medical cannabis, medical cannabis products, or medical cannabis-related services on certain mediums or locations. It authorizes certifying providers to advertise the ability of the certifying provider to certify a qualifying patient to receive medical cannabis. *The bill7 was assigned to the Judicial Proceedings Committee; the bill was heard but not voted on.*

House Bill 794: Labor and Employment – Discrimination Against Medical Cannabis Patients and Caregivers – Prohibition (Medical Cannabis Patient and Caregiver Antidiscrimination Act): FAILED

This bill prohibits, except under certain circumstances, a certain employer from taking discriminatory actions against or otherwise penalizing a qualifying patient or caregiver based on the individual's status as a qualifying patient or caregiver or, with respect to a certain qualifying patient, a certain drug test result. It also authorizes individuals to file a complaint with the Commissioner of Labor and Industry. The bill was first assigned to the Health and Government Operations Committee, but then it was reassigned to the Economic Matters Committee. It was withdrawn after it was given an unfavorable report by the Economic Matters Committee.

Opioids

Prescription Drug Monitoring Program (PDMP)

House Bill 25/Senate Bill 195: Public Health - Prescription Drug Monitoring Program - Revisions: PASSED This bill requires, instead of authorizing, the PDMP to review prescription monitoring data for indications of (1) possible misuse or abuse of a monitored prescription drug or (2) a possible violation of law or breach of professional standards by a prescriber or dispenser. If either is indicated, PDMP must notify and provide education to the prescriber or dispenser. If there is a possible violation of law or breach of professional standards, PDMP may provide prescription monitoring data to the Office of Controlled Substances Administration for further investigation. PDMP must take into account the particular specialty, circumstances, patient type, and location of the prescriber or dispenser in evaluating a possible violation of law or breach of professional standards. PDMP must also include information regarding instances of possible violations of law or breaches of professional standards in its annual report. This bill received a favorable with amendments

report in the House Health and Government Operations Committee and the Senate Finance Committee. The bill passed the House and Senate with amendments and will take effect on October 1, 2019.

House Bill 466/Senate Bill 342: Prescription Drug Monitoring Program - Program Evaluation: PASSED

This bill removes the PDMP from evaluation under the Maryland Program Evaluation Act and repeals the program's termination date. The bill also repeals the requirement for licensing entities to meet specified quorum voting requirements for the issuance of an administrative subpoena, requires the PDMP to provide prescription monitoring data to authorized users, rather than the authorized administrator, of another state's prescription drug monitoring program, and requires the Advisory Board on Prescription Drug Monitoring to include additional information in its annual reports. This bill received a favorable with amendments report in the House Health and Government Operations Committee and Senate Finance Committee. The bill passed the House and the Senate and will take effect on June 1, 2019.

House Bill 847/Senate Bill 498: Prescription Drug Monitoring Program - Disclosure of Data - Managed Care Organizations: FAILED

This bill requires the PDMP to disclose prescription monitoring data to the medical director or the designee of the medical director of Medicaid managed care organizations for the purpose of complying with the Corrective Managed Care Program of the Maryland Medicaid Pharmacy Program or the standards developed by the Maryland Medicaid Opioid Drug Utilization Review Workgroup. *This bill received an unfavorable report in the House Health and Government Operations Committee and the Senate Finance Committee and was withdrawn*.

House Bill 1338/Senate Bill 992: Prescription Monitoring Data - Health Care Facility: FAILED

This bill expands the entities to which the PDMP must disclose prescription monitoring data to include the medical director or authorized administrator of a health care facility, or the designee of either, for the purpose of providing medical or pharmaceutical treatment to a patient or prospective patient of the health care facility. This bill was filed late and did not receive a hearing or vote after first reading in the House Rules and Executive Nominations Committee.

Health Insurance

House Bill 599/Senate Bill 631: Health Insurance - Coverage for Mental Health Benefits and Substance Use Disorder Benefits - Requirements and Reports: PASSED

This bill requires specified insurers, nonprofit health service plans, and health maintenance organizations (collectively known as carriers) to use the American Society of Addiction Medicine (ASAM) criteria for all medical necessity and utilization management determinations for substance use disorder benefits. The bill also repeals the limitation on a carrier charging a copayment for methadone maintenance treatment that is greater than 50% of the daily cost for methadone maintenance treatment. This bill received a favorable report with amendments in the House Health and Government Operations Committee and Senate Finance Committee. The bill passed the House and Senate unanimously and will take effect on January 1, 2020, applying to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after that date.

Senate Bill 28: Health Insurance - Coverage Requirements for Behavioral Health Disorders - Short-Term Limited Duration Insurance: PASSED

This bill would alter the definition of "health benefit plan" to include short term limited duration health insurance for the diagnosis and treatment of mental illness, drug use, and alcohol use disorders. *This bill received a favorable report in the Senate Finance Committee and the House Health and Government Operations Committee. The bill passed the House and Senate unanimously and will take effect on October 1, 2019.*

Harm Reduction

House Bill 33/Senate Bill 893: Medical Cannabis - Provider Applications - Opioid Use Disorder: FAILED
This bill encourages the Natalie M. LaPrade Cannabis Commission to approve provider applications for patients who have an opioid use disorder. This bill received a favorable report with amendments in the Senate Judicial Proceedings Committee and passed the Senate, but ultimately the bill did not advance out of the House Health and Government Operations Committee.

House Bill 116/Senate Bill 846: Public Health - Correctional Services - Opioid Use Disorder Examinations and Treatment: PASSED

This bill establishes specified programs of "opioid use disorder" screening, evaluation, and treatment in local correctional facilities and in the Baltimore Pre-trial Complex. The program begins in four counties and phases in to include all counties and the Baltimore Pre-trial Complex. The State must fund the programs of opioid use disorder screening, examination, and treatment of inmates, and the bill establishes requirements for screening and treatment. By November 1, 2020, and annually thereafter, the Governor's Office of Crime Control and Prevention must report data to the General Assembly from local correctional facilities. *This bill received a favorable with amendments report by House Judiciary Committee and Senate Finance Committee. The bill passed the Senate with Amendments and the House concurred the Senate amendments. The bill will take effect on October 1, 2019, and the pilot program at the Baltimore Pre-trial Complex terminates September 30, 2023.*

House Bill 139/Senate Bill 135: Public Health - Overdose and Infectious Disease Prevention Site Program: FAILED

This bill would have authorized the establishment of an Overdose and Infectious Disease Prevention Site Program to provide a location for the consumption of pre-obtained drugs, provide sterile needles, administer first aid, and provide counseling and referral services. *This bill received an unfavorable report in the House Health and Government Operations Committee and was withdrawn. This bill was heard in the Senate Finance Committee, but did not receive a vote.*

House Bill 828/Senate Bill 836: Criminal Law - Drug Paraphernalia - Prevention of HIV and Viral Hepatitis: FAILED

This bill would have excepted drug paraphernalia that has been obtained or provided for the purpose of preventing the spread of HIV or viral hepatitis from prohibitions on using, possessing, selling, delivering, manufacturing, or possessing with intent to deliver or sell drug paraphernalia. *The bills were heard before the House Judiciary Committee and Senate Judicial Proceedings Committee, but did not receive votes in either.*

Opioid Restitution

House Bill 1274: Opioid Restitution Fund: PASSED

This bill establishes the Opioid Restitution Fund, a fund containing all revenues that the State receives from any judgment or settlement with opioid manufacturers, opioid research associations, or any other person in the

opioid industry. The fund is a special, non-lapsing fund, that may only be used to support State efforts against opioid addiction. The bill received a favorable with amendments report from the House Health and Government Operations Committee and was returned passed by the Senate. The bill will take effect on July 1, 2019.

Food Policy

House Bill 50: Department of Agriculture - Maryland Produce Safety Program: PASSED

This bill establishes the Maryland Produce Safety Program in the Department of Agriculture to reduce the risk of adverse impacts on human health from the consumption of contaminated produce. The bill also requires the Program to conform with certain federal standards for growing, harvesting, packing, and holding produce for human consumption. The bill received a favorable report from the House Environment and Transportation. The bill then passed the House and the Senate and will take effect on July 1, 2019.

House Bill 82/Senate Bill 116: Transportation - Complete Streets - Access to Healthy Foods: PASSED

This bill requires the Department of Transportation to adopt a complete streets policy, creating access to healthy foods for individuals without personal vehicles living in food deserts. The bill further authorizes grants to encourage jurisdictions to develop ranking systems for projects that prioritize designs that create access to healthy food in food deserts. The bill received favorable with amendment reports from the House Environment and Transportation Committee and the Senate Finance Committee. The bill passed the House and Senate with amendments and will take effect on June 1, 2019.

House Bill 84/Senate Bill 483: Maryland Farms and Families Fund: PASSED

This bill alters the purpose and use of the Maryland Farms and Families Fund by requiring the Governor to include in the annual budget bill a \$100,000 appropriation to the Fund each fiscal year to match the spending of the federal nutrition benefits at Maryland farmers markets, beginning in fiscal year 2021. *The bill received favorable with amendment reports from the House Appropriations Committee and the Senate Finance Committee. The bill passed the House and the Senate and will take effect on June 1, 2019.*

House Bill 226/Senate Bill 550: Food Stamp Program - Minimum Benefit for Disabled Individuals - State Supplement: FAILED

This bill would have required the State to provide a supplement to households that include a disabled individual that receives a federally funded benefit of less than \$30 per month under the food stamp program to increase the total benefit to \$30 per month. This bill received an unfavorable report from the House Appropriations Committee and was subsequently withdrawn. This bill was also heard before the Senate Finance Committee, but never received a vote.

House Bill 338/Senate Bill 218: Human Services - Food Supplements (Summer SNAP for Children Act): PASSED

This bill requires the State to provide funds to counties for a supplement for each child in a household that receives food stamp benefits. It requires the State to provide the counties with funds for an additional \$30 for each child in a household receiving foodstamps for the months of June, July, and August. The bill also adds a ten dollar supplement during the month of December to deal with the winter break. Additionally, the bill renames all references to the Maryland Food Stamp Program and replaces them with Supplemental Nutrition Assistance Program (SNAP). This bill received a favorable report with Amendments from the House

Appropriations Committee and the Senate Budget and Taxation Committee. The bill passed the House and the Senate with amendments and will take effect on July 1, 2019.

House Bill 838/Senate Bill 752: Food Supplement Program - Restaurant Meals Program: PASSED

This bill requires the Department of Human Services to create a Restaurant Meals Program to expand food access to eligible individuals that do not have a place to store and cook food, may not be able to prepare food, or do not have access to a grocery store. The bill also renames the Food Stamp Program as the Food Supplement Program. This bill received a favorable with amendments report from the House Appropriations Committee and the Senate Finance Committee. This bill passed the House and the Senate and will take effect on July 1, 2019.

Alcohol

House Bill 88: Criminal Law - Alcohol Offenses - Civil Offenses (Decriminalization of Petty Nonviolent Offenses Act: PASSED

This bill will make it a civil offense rather than a criminal offense to consume an alcoholic beverage in public or possess an alcoholic beverage in an open container. The bill requires offenders to be issued a citation, any fines may not exceed \$100. The bill received a favorable with amendments report in the House Economic Matters Committee and passed the House and Senate. The bill will go into effect on October 1, 2019.

House Bill 1052: Alcohol and Tobacco Commission: PASSED

The bill establishes the Alcohol and Tobacco Commission and transfers powers from the Field Enforcement Division in the Office of the Comptroller to this Commission by July 1, 2020.

The third reading passed in the House, the third reading with amendments was passed in the Senate, and the bill was passed enrolled in the House. The Governor vetoed the bill, but the House (98-39) and Senate (30-16), successfully voted for a Gubernatorial Veto Override. The bill will go into effect on June 1, 2020.

House Bill 1057: Alcoholic Beverages - Alcohol Awareness Program Certification Requirements - Alterations: FAILED

This bill requires any individual selling or serving alcoholic beverages to have completed an approved alcohol awareness program before selling or serving the beverages. Upon an individual receiving a certificate of completion, the alcohol awareness provider has 5 days to inform the proper licensing board. HB1057 passed the House, but received a report of unfavorable in the Senate Education, Health & Environmental Affairs Committee and was withdrawn.

House Bill 480/Senate Bill 508: - Alcoholic Beverages - Maryland Brewery Promotion Program – Establishment: FAILED

This bill creates the Maryland Brewery Promotion Program. The purpose of the bill is to provide grants to government agencies and nonprofit organizations to promote the creation and development of Maryland breweries, the production and consumption of Maryland beer, and encourage the public to visit breweries. HB480 received a report of unfavorable in the House Economic Matters Committee. SB508 had a hearing in the Senate Finance Committee on March 1 but was not voted on.

House Bill 508: Alcoholic Beverages - Prohibited Acts - Defense to Prosecution for Sale to Underage Individuals: FAILED

This bill adds to the facts that create prima facie evidence of innocence and defense to a prosecution for serving alcoholic beverages to an underage individual. This adds that a seller relying on the results of an electronic identification scanner verifying an individual's identity by barcode constitutes reasonable and good faith reliance on the representation of the purchaser. HB508 received a report of favorable in the House Economic Matters Committee and had a hearing in the Senate Judicial Proceedings Committee on March 26 but was not voted on.

Senate Bill 692: - Criminal Law - Neighborhood Nuisance - Civil Penalties: FAILED

This bill prohibits persons responsible for premises from using the premises in a manner that creates a neighborhood nuisance or unruly social event and the person remains responsible even if they were not present at the time of the occurrence. Law enforcement officers can issue civil penalties. *This bill received an unfavorable report by the Senate Judicial Proceedings Committee and was withdrawn*.

School Health

House Bill 110: Elementary School Students - Daily Physical Activity (Student Health and Fitness Act): PASSED

The bill provides that students in public school elementary school shall be provided with a daily program of activity totaling 150 minutes each week including a minimum of 90 minutes each week of physical education. This bill passed with amendments in both the House and the Senate. This bill will go into effect on July 1, 2019.

House Bill 486: Education - Personnel Matters - Child Sexual Abuse and Sexual Misconduct Prevention: PASSED

The bill requires county boards of education, nonpublic schools, and contracting agencies to require an applicant for a position involving direct contact with minors to submit information from former employers on whether they had previously been investigated for child abuse. *This bill was passed with amendments in both the House and the Senate. This bill will go into effect on July 1, 2019.*

House Bill 133: Public Schools - Provision of Feminine Hygiene Products: FAILED

The bill requires a county board of education to ensure that each public school serving students in any grade from grades 6 through 12 provides, at no charge to students, feminine hygiene products in the restrooms at the school. This bill was heard in the House Ways and Means Committee but did not receive a vote.

House Bill 148/ Senate Bill 165: Safe Schools Maryland Act of 2019: FAILED

The bill establishes the Safe School Program which allows for anonymous reporting of violent or unlawful behaviors. The bill would require the School Safety Subcabinet to develop program guidance on or before September 1, 2019. *This bill was heard in the House Ways and Means Committee but did not receive a vote.*

House Bill 256/Senate Bill 223: State Department of Education- Guidelines on Trauma-Informed Approach: FAILED

The bill would establish a Trauma-Informed School Initiative which would include providing trainings to staff members of local school systems and establish guidelines for how schools approach student's trauma. *This bill*

unanimously passed the House but did not advance from the Senate's Education, Health, and Environmental Affairs Committee.

House Bill 567: Education - Public and Nonpublic High Schools - Organ and Tissue Donation Awareness Instruction: FAILED

This bill will require county boards of education to provide instruction on organ and tissue donation and registration as part of a specified curriculum in grades 9 through 12 in public schools, beginning in the 2020-2021 school year. The bill will also encourage nonpublic high schools to provide instruction on organ and tissue donation and registration. This bill was heard in the House Ways and Means Committee but did not receive a vote.

House Bill 708: Education - Identification of Students With Traumatic Brain Injury - Study and Report: FAILED

The bill requires that the Maryland Department of Health, the State Department of Education, and the State Traumatic Brain Injury Advisory Board jointly study the under identification of traumatic brain injuries among school-age children and recommend a process to identify children with existing traumatic brain injuries in schools. This bill passed the House and was read in the Senate Education, Health, and Environmental Affairs Committee but did not receive a vote.

Environment

House Bill 1255- School Bus Purchasing - Zero-Emission Vehicle - Requirement: Passed

The bill provides that each school bus purchased by a county board of education be a zero-emission vehicle. Additionally, the bill provides that all school buses purchased by a person for use under a contract with a county board to provide transportation services be a zero-emission vehicle. The bill received a favorable report with amendments in the House Ways and Means Committee and received a favorable report in the Senate Education, Health, and Environment Committee. The bill was passed and will go into effect on October 1, 2019.

Senate Bill 249/House Bill 277- Regional Transportation and Climate Protection Act of 2019

This bill authorizes the Governor to include the State as a full participant in any regional governmental initiative, agreement, or compact that limits or reduces greenhouse gas emissions from the transportation sector; however, the General Assembly may enact a law to withdraw the State from the initiative, agreement, or compact. Also, the Department of the Environment and the Department of Transportation would be required to submit a report to the General Assembly every six months for three years beginning on November 1, 2019. The bill received a favorable report with amendments in the Senate Education, Health, and Environmental Affairs Committee and in the House Environment and Transportation and Economic Matters Committee. The bills passed the House and Senate with amendments and will go into effect on June 1, 2019.

Senate Bill 285/House Bill 109-Environment; and Expanded Polystyrene Food Service Products-Prohibition: Passed

The bill prohibits a person, food service business, or school from selling or offering for sale in the state an expanded polystyrene food service product on or after January 1, 2020. An expanded polystyrene food service product includes food containers, plates, hot and cold beverage cups, meat and vegetable trays, and egg cartons.

The bill received a favorable report with amendments in the Senate Education, Health, and Environmental Affairs Committee and in the House Environment and Transportation and Economic Matters Committee. The bills passed the House and Senate with amendments and will go into effect on July 1, 2019.

Senate Bill 505/ House Bill 703- Environmental Violations - Reporting Requirements

The bill requires that jurisdictions that have been delegated authority under this bill to enforce sediment and erosion control laws and regulations shall report to the Department of the Environment concerning violations of sediment and erosion control laws and regulations. The bill received a favorable report with amendments in the House Ways and Means Committee and received a favorable report in the Senate Education, Health, and Environment Committee. The bill was passed and will go into effect on October 1, 2019.

House Bill 1233-Environment - Reduction of Lead Risk in Housing - Elevated Blood Lead Levels and Environmental Investigations (Maryland Healthy Children Act)

The bills will reduce the elevated blood lead level that initiates case management, notification, and lead risk reduction requirements in owner-occupied and affected properties and alters notification requirements triggered by the results of a blood test that indicates elevated lead blood lead levels. Also, it requires the Department of the Environment to conduct an environmental investigation within 10 days when a child under the age of 6 years or a woman who is pregnant has an elevated blood lead level. The bill received a favorable report with amendments in the House Ways and Means Committee and received a favorable report in the Senate Education, Health, and Environment Committee. The bill was passed and will go into effect on October 1, 2019.

House Bill 514- Greenhouse Gas Emissions Reductions - Statewide Greenhouse Gas Inventory and Carbon Sequestration: Failed

This bill would have altered the publication requirements for the statewide greenhouse gas emissions inventory. It would have required that the Department of the Environment, beginning January 1, 2020, and on January 1 of each even-numbered year thereafter through 2030, to establish a greenhouse gas emissions reduction target. *The bill received an unfavorable report in the House Economic Matters Committee*.

Senate Bill 702/ House Bill 1235: Health Climate Initiative: Failed

This bill would have established a Healthy Climate Initiative in the Department of the Environment in order to reduce greenhouse gas emission. The Initiative provides for the assessment of greenhouse gas pollution; the funding of activities to reduce the emissions, improve resiliency, and promote just economic transition in the state; and rebates to households and employers in the state to mitigate the impact of the charges. The Secretary of the Environment will administer schedules of greenhouse gas pollution charges. *HB 1235 received an unfavorable report in the House Economic Matters Committee. SB 702 was heard in the Senate Finance, Education, Health, and Environmental Affairs Committee but did not receive a vote.*

Gambling

House Bill 48: eSports Act: PASSED

HB48 authorizes an organization conducting an "eSports competition" to offer prize money or merchandise to winning participants in the competition. This bill was drafted in response to complaints that Maryland citizens were being precluded from entering and competing in video game competitions because of the state's gambling laws. Some video game events specifically excluded "gamers" from Maryland from competing. This bill

clarifies that allowing Marylanders to enter gaming competitions does not violate Maryland law. HB 48 was assigned to Ways and Means in the House of Delegates with no cross-file bill attached. It passed its third reader in the House 139-0. It was then assigned to the Senate Budget and Taxation Committee. It passed its third reader 46-0. It will take effect October 1, 2019.

House Bill 113/ Senate Bill 842: Criminal Law – Gambling – Civil Offense: PASSED

This bill alters the penalty for conduct relating to illegal betting, wagering, or gambling, by making these petty crimes a civil offense. Civil citations have been deemed more appropriate to addresses petty offenses in order to limit the implications of a criminal record. The committee also discussed adding voluntary exclusion violations to the list of civil offenses, but the bill was not ultimately amended to include these provisions. HB 113 was assigned to the Ways and Means and Judiciary Committees. It passed its third reader 138-0. It was then assigned to the Senate Judicial Proceedings Committee and eventually passed its third reader 45-0. It will take effect October 1, 2019.

House Bill 987: Gaming – Video Lottery Operator Compliance – Disclosure of Winning Odds on Video Lottery Terminals: FAILED

This bill would have required the State Lottery and Gaming Control Commission to adopt regulations that require a video lottery operation licensee, as a condition of holding the license, to display the odds of each winning combination and jackpot that a video lottery terminal (VLT) offers. The disclosure would have been required in a format that was easy to understand and would require a player to scroll through prior to play. The Fiscal and Policy Note indicated that a fall in revenue may result from the disclosure. *House Bill 987 was assigned to the Way and Means Committee and received a hearing on March 1, 2019. The bill had no subsequent movement.*

House Bill 1326 – State Lottery – Unclaimed Prizes – Distribution to Local Boards of Education: FAILED

This bill would have required the Director of the State Lottery and Gaming Control Agency, at the end of each fiscal year, to remit money in the unclaimed prize fund to the Comptroller for distribution to each county board of education in the State on a pro rata basis determined by the total lottery sales made in each county. It also provided that a distribution from the fund would be supplemental to and not intended to take the place of certain funding for county boards of education. Current law requires unclaimed prize money to be used for prizes in other Lottery Games. House Bill 1326 was assigned to the Ways and Means Committee and received a hearing on March 12, 2019. The bill had no subsequent movement.

Sports Betting Legislation

House Bill 739/ Senate Bill 470: Expansion of Commercial Gaming – Referendum – Sports Wagering: FAILED

This bill was introduced last year has House Bill 1014 and provided that, subject to voter referendum, the General Assembly may authorize, by law, the State Lottery and Gaming Control Commission to issue sports wagering licenses to the holder of a video lottery operation license or a license for thoroughbred racing or harness racing. It declared the intent of the General Assembly that State revenues generated by the proposed sports wagering be used for dedicated purposes including public education. The bill was brief and left the promulgation of additional parameters to be developed in follow-up legislation. There were no provisions for consumer protections or problem gambling funds. House Bill 739 was heard in the Ways and Means Committee on March 6, 2019 and in the Senate Budget and Tax Committee on March 13, 2019. The bill did not receive a vote in either committee and subsequently failed.

House Bill 963 – Expansion of Commercial Gaming – Referendum – Sport Wagering: FAILED

This bill was identical to HB739/SB470 above, except that the General Assembly would be "required to provide for the operation, regulation, and disposition of proceeds", not just authorized, if the voter referendum were to pass. House Bill 963 was heard in the House Ways and Means Committee on March 6, 2019 and in the Senate Budget and Taxation Committee on March 13, 2019. The bill did not receive a vote in either committee and subsequently failed.

House Bill 1132 - State Lottery and Gaming Control Agency - Sports Wagering Operations: FAILED

This bill would have required the State Lottery and Gaming Control Agency to conduct a sports wagering operation. It would have authorized video lottery operators and horse racing licensees to apply to the Commission for a sports wagering license. This bill was significantly more detailed than the two bills above and would have required a licensing fee of \$300,000 with \$50,000 renewal fee. 10% of the licensing fee proceeds would go to the Problem Gambling Fund. A licensee would have received 20% of all sports betting proceeds and the remaining proceeds would go to the Education Trust Fund. The bill did not prohibit online or satellite wagering. The bill's Fiscal and Policy Note assumed a 2020 implementation date and estimated a 2% increase in revenues and 4% if online wagering were permitted. *House Bill 1132 was heard in the House Ways and Means Committee on March 6, 2019 but did not receive a vote and subsequently failed.*

Other

House Bill 124/Senate Bill 299: Tanning Devices - Use by Minors: PASSED

This bill would repeal the exemption authorizing a parent or legal guardian of certain minors to provide written consent for the minor to use a tanning device. It would also require owners, employees, and operators of tanning facilities to ensure that a certain notice is posted in a certain manner in the facility. It would require the Maryland Department of Health to prepare and make available to each tanning facility a notice that includes certain information. The bill received a favorable report with amendments from the House Health and Government Operations Committee and the Senate Finance Committee. The bills passed both the House and Senate, and take effect on October 1, 2019.

House Bill 127/Senate Bill 36: Health Insurance - Continuation Coverage - Change in Employment Status: PASSED

This bill would establish a special enrollment period of 90 days to allow those who become pregnant to enroll in a health benefit plan. The bill received a favorable report with amendments from the House Health and Government Operations Committee and the Senate Finance Committee. The bills passed both the Senate and the House, and goes into effect July 1, 2019.

House Bill 145/Senate Bill 301: Hospitals - Patient's Bill of Rights: PASSED

This bill would require each administrator of a hospital to provide patients with a patient's bill of rights. The patient's bill of rights would also be required to be conspicuously posted on the hospital website and in areas accessible to patients and visitors. The bills received a favorable report with amendments from the House Health and Government Operations and Senate Finance Committee. The bills passed both the House and the Senate, and goes into effect October 1, 2019.

House Bill 592/Senate Bill 669: Health Care Facilities – Comprehensive and Extended Care Facilities – Discharges and Transfers: PASSED

This bill would alter the basic rights afforded to each resident of a comprehensive care facility or extended care facility, and would require a facility to provide written notice as soon as practicable before discharge or transfer including the date of transfer, the reason for discharge or transfer, the patients new location, the name of a social worker, and proposed date for a meeting to develop a post-discharge plan of care. The bill received a favorable report with amendments from the House Health and Government Operations Committee and the Senate Finance Committee. The bill passed the House and Senate and take effect October 1, 2019.

House Bill 768/Senate Bill 759: Health – Prescription Drug Affordability Board: PASSED

This bill establishes the Prescription Drug Affordability Board as an instrumentality of the state and an independent unit of government. The Board must identify prescription drugs that cost more than \$30,000 per year wholesale, biosimilars that are not at least 15% cheaper than their reference biologic, and generics that have an acquisition cost of \$100 or more. The Board must also adopt regulation of the circumstances and methods of prescription drug pricing data collection and set an upper pricing limit. This bill received a favorable report with amendments from the House Health and Government Operations Committee and the Senate Finance Committee. The bill passed the House and Senate with amendments, and was enrolled following a Conference Committee. The bill takes effect July 1, 2019.

House Bill 911/Senate Bill 930: Workgroup to Study Shelter and Supportive Services for Unaccompanied Homeless Minors: PASSED

This bill creates the Workgroup to Study Shelter and Supportive Services for Unaccompanied Homeless Minors and defines "unaccompanied homeless minors." The bill requires the Workgroup to study the unique needs of unaccompanied homeless minors, and the private and public sector programs that serve them. The bill also requires the Workgroup to report their findings and make legislative, regulatory, policy, and funding recommendations to the Governor and General Assembly. This bill received favorable reports with amendments from the House Judiciary Committee and the Senate Judicial Proceedings Committee. The bill passed the House and Senate with amendments and goes into effect July 1, 2019.

House Bill 70: Criminal Law – Firearms – Computer-Aided Fabrication and Serial Number (3-D Printed Firearms): FAILED

This bill changes the requirement to install carbon monoxide alarms in a rental dwelling to apply only when the unit contains a device that emits carbon monoxide or has an adjacent, enclosed, unventilated, attached garage. The bill was heard by the House Environment and Transportation Committee. It received an unfavorable report and was withdrawn.

House Bill 86/Senate Bill 765: Health Insurance - Continuation Coverage - Change in Employment Status: FAILED

This bill extends the period of time health insurance providers must provide continuation coverage for insureds who have experienced a change in employment status as a result of termination of employment other than for cause from 18 months to 36 months. The bill was heard in the House Health and Government Operations Committee and the Senate Finance Committee. It was withdrawn from Health and Government Operations and was given and unfavorable report by the Finance Committee and was withdrawn.

House Bill 740/Senate Bill 882: Criminal Law – Firearms – Computer-Aided Fabrication and Serial Number (3-D Printed Firearms): FAILED

This bill would have prohibited a person from using a computer-aided fabrication device to manufacture a firearm that is not imprinted with a serial number issued by a federally licensed firearm manufacturer or importer. This bill would have also prohibited a person from possessing, selling, transferring, purchasing, or receiving a firearm manufactured by a computer-aided fabrication device. This bill received a favorable report with amendments from the House Judiciary Committee and received a hearing by the Senate Judicial Proceedings Committee but did not receive a vote. The bill passed the House with amendments but did not receive a vote in the Senate.

If you have questions about any of these bills, please contact the Legal Resource Center for Public Health Policy at <u>publichealth@law.umaryland.edu</u>.

The Legal Resource Center for Public Health Policy hosts bi-weekly conference calls and provides a legislation tracking document during each session of the Maryland General Assembly. The calls and tracking documents are open to any interested individuals working to improve public health through law and policy change. If you would like to receive notices about the calls leading into the 2019 session, please email the LRC at: publichealth@law.umaryland.edu.