

MARYLAND GENERAL ASSEMBLY
2019 Public Health Legislative Recap

Tobacco

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.*

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 It received an unfavorable report by the Senate Education, Health and Environmental Affairs Committee and was withdrawn in the Health and Government Operations Committee.*

Other

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.

Injury Prevention

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.*

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 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 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 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 bill was assigned to the Judicial Proceedings Committee; the bill was heard but not voted on.

Opioids

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 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.

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.

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 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.

School Health

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

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.