

Chapter 262

(House Bill 580)

AN ACT concerning

Maryland Department of Health – Biosafety Level 3 Laboratories in Frederick County

FOR the purpose of requiring the Maryland Department of Health to develop and make available a certain form; requiring certain biosafety level 3 (BSL–3) laboratories in Frederick County to report certain information to the Department on or before a certain date each year; requiring the Department to report, on or before a certain date each year, the number and location of the laboratories, ~~in total and by local jurisdiction,~~ to the Maryland Emergency Management Agency and certain officials ~~in each local jurisdiction in the State~~ Frederick County and the total number of the laboratories to the Governor and the General Assembly; providing that, except as provided under certain provisions of this Act, certain information is confidential and not subject to inspection under certain provisions of law; requiring that certain information be made available if requested by certain entities and in certain proceedings; requiring that certain activities be considered ultrahazardous and abnormally dangerous; providing that certain BSL–3 laboratories are strictly liable for certain damages under certain circumstances; requiring the Department to develop a strategy for a certain purpose; defining a certain term; providing for the application of certain provisions of this Act; and generally relating to biosafety level 3 (BSL–3) laboratories in Frederick County.

BY adding to

Article – Health – General

Section 17–701 to be under the new subtitle “Subtitle 7. Biosafety Level 3 (BSL–3) Laboratories in Frederick County”

Annotated Code of Maryland
(2019 Replacement Volume)

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

Article – Health – General

SUBTITLE 7. BIOSAFETY LEVEL 3 (BSL–3) LABORATORIES IN FREDERICK COUNTY.

17–701.

(A) IN THIS SECTION, “BSL–3 LABORATORY” MEANS A LABORATORY DESIGNATED AS A BIOSAFETY LEVEL 3 (BSL–3) LABORATORY BY THE U.S.

DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION, NATIONAL INSTITUTES OF HEALTH, BIOSAFETY IN MICROBIOLOGICAL AND BIOMEDICAL LABORATORIES, AS APPLICABLE, BASED ON:

(1) USAGE OF BIOLOGICAL AGENTS THAT MAY CAUSE SERIOUS OR POTENTIALLY LETHAL DISEASE AFTER INHALATION, INGESTION, OR ABSORPTION; AND

(2) REQUIRED BIOCONTAINMENT PRECAUTIONS.

(B) THIS SECTION APPLIES TO EACH BSL-3 LABORATORY IN ~~THE STATE~~ FREDERICK COUNTY THAT:

(1) DOES NOT WORK WITH FEDERALLY REGULATED BIOLOGICAL SELECT AGENTS AND TOXINS OR THEIR PRODUCTS; AND

(2) (I) IS A COMMERCIAL OR FOR-PROFIT LABORATORY;

(II) IS OWNED BY OR IS PART OF A TEACHING HOSPITAL OR AN INSTITUTION OF POSTSECONDARY EDUCATION; OR

(III) IS A PRIVATELY FUNDED BIOMEDICAL RESEARCH LABORATORY.

(C) THE DEPARTMENT SHALL DEVELOP AND MAKE AVAILABLE A STANDARDIZED FORM FOR A BSL-3 LABORATORY SUBJECT TO THIS SECTION TO USE TO PROVIDE THE INFORMATION REQUIRED UNDER SUBSECTION (D) OF THIS SECTION.

(D) ON OR BEFORE OCTOBER 30 EACH YEAR, EACH BSL-3 LABORATORY SUBJECT TO THIS SECTION SHALL REPORT TO THE DEPARTMENT:

(1) THE ADDRESS OF THE LABORATORY;

(2) THE NAME, TELEPHONE NUMBER, AND E-MAIL ADDRESS OF A CONTACT PERSON FOR THE LABORATORY; AND

(3) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT TO DETERMINE THE LOCATION OF THE LABORATORY.

(E) ON OR BEFORE DECEMBER 31 EACH YEAR, THE DEPARTMENT SHALL REPORT TO:

(1) THE MARYLAND EMERGENCY MANAGEMENT AGENCY AND THE HEALTH OFFICER AND EMERGENCY MANAGEMENT OFFICIALS OF ~~EACH LOCAL JURISDICTION IN THE STATE~~ FREDERICK COUNTY THE NUMBER AND LOCATION, ~~IN TOTAL AND BY LOCAL JURISDICTION,~~ OF BSL-3 LABORATORIES SUBJECT TO THIS SECTION; AND

(2) THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY THE TOTAL NUMBER OF BSL-3 LABORATORIES SUBJECT TO THIS SECTION.

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBSECTION (E) OF THIS SECTION, ANY INFORMATION THE DEPARTMENT COLLECTS FROM BSL-3 LABORATORIES SUBJECT TO THIS SECTION IS CONFIDENTIAL AND NOT SUBJECT TO INSPECTION UNDER THE PUBLIC INFORMATION ACT.

(2) ANY INFORMATION THE DEPARTMENT COLLECTS FROM BSL-3 LABORATORIES SUBJECT TO THIS SECTION SHALL BE MADE AVAILABLE IF REQUESTED BY THE BSL-3 LABORATORY'S INSURANCE CARRIER OR IN A LEGAL PROCEEDING.

(G) (1) ACTIVITY OF A BSL-3 LABORATORY SUBJECT TO THIS SECTION THAT FAILS TO REPORT THE INFORMATION REQUIRED UNDER SUBSECTION (D) OF THIS SECTION SHALL BE CONSIDERED ULTRAHAZARDOUS AND ABNORMALLY DANGEROUS.

(2) A BSL-3 LABORATORY SUBJECT TO THIS SECTION THAT FAILS TO REPORT THE INFORMATION REQUIRED UNDER SUBSECTION (D) OF THIS SECTION IS STRICTLY LIABLE FOR DAMAGES FOR ANY INJURY, DEATH, OR LOSS TO PERSON OR PROPERTY THAT IS CAUSED BY THE BSL-3 LABORATORY.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Department of Health shall develop a strategy to attempt to identify biosafety level 3 laboratories that are subject to Section 1 of this Act for the purpose of notifying the laboratories of the requirements of this Act.

(b) The strategy may rely on the list of possible laboratories used by the 2013 Workgroup on Biocontainment Laboratory Oversight convened by the Maryland Department of Health, information available from biotechnology councils and scientific groups, information available from local government agencies, and other sources that may help to identify biosafety level 3 laboratories subject to Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.