

HOUSE BILL 383

J3
SB 392/18 – FIN

9lr1737
CF SB 187

By: **Delegates K. Young, Carr, Johnson, Kerr, Krimm, R. Lewis, Lisanti, Shetty, and Solomon**

Introduced and read first time: January 30, 2019

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Department of Health – Biosafety Level 3 Laboratories**

3 FOR the purpose of requiring the Maryland Department of Health to develop and make
4 available a certain form; requiring certain biosafety level 3 (BSL–3) laboratories to
5 report annually, on or before a certain date, certain information to the Department;
6 requiring the Department to report annually, on or before a certain date each year,
7 the number and location of the laboratories, in total and by local jurisdiction, to the
8 Maryland Emergency Management Agency and certain officials in each local
9 jurisdiction in the State and the total number of the laboratories to the Governor and
10 the General Assembly; providing that, except as provided under certain provisions
11 of this Act, certain information is confidential and not subject to inspection under
12 certain provisions of law; establishing certain penalties; requiring the Department
13 to develop a strategy for a certain purpose; defining a certain term; providing for the
14 application of this Act; and generally relating to biosafety level 3 (BSL–3)
15 laboratories.

16 BY adding to

17 Article – Health – General

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

20 Annotated Code of Maryland

21 (2015 Replacement Volume and 2018 Supplement)

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

24 **Article – Health – General**

25 **SUBTITLE 7. BIOSAFETY LEVEL 3 (BSL–3) LABORATORIES.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 17-701.

2 (A) IN THIS SECTION, "BSL-3 LABORATORY" MEANS A LABORATORY
3 DESIGNATED AS A BIOSAFETY LEVEL 3 (BSL-3) LABORATORY BY THE FEDERAL
4 CENTERS FOR DISEASE CONTROL AND PREVENTION AND THE U.S. DEPARTMENT
5 OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE, AS
6 APPLICABLE, BASED ON:

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

10 (2) REQUIRED BIOCONTAINMENT PRECAUTIONS.

11 (B) THIS SECTION APPLIES TO EACH BSL-3 LABORATORY IN THE STATE
12 THAT:

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

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

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

18 (III) IS A PRIVATELY FUNDED BIOMEDICAL RESEARCH
19 LABORATORY.

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

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

26 (1) THE ADDRESS OF THE LABORATORY;

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

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

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

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

7 (2) THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE
8 STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY THE TOTAL NUMBER OF
9 BSL-3 LABORATORIES SUBJECT TO THIS SECTION.

10 (F) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, ANY
11 INFORMATION THE DEPARTMENT COLLECTS FROM BSL-3 LABORATORIES SUBJECT
12 TO THIS SECTION IS CONFIDENTIAL AND NOT SUBJECT TO INSPECTION UNDER
13 TITLE 4 OF THE GENERAL PROVISIONS ARTICLE.

14 (G) (1) A BSL-3 LABORATORY SUBJECT TO THIS SECTION THAT FAILS TO
15 REPORT THE INFORMATION REQUIRED UNDER SUBSECTION (D) OF THIS SECTION IS
16 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
17 EXCEEDING \$100 FOR THE FIRST OFFENSE AND NOT EXCEEDING \$500 FOR EACH
18 SUBSEQUENT CONVICTION.

19 (2) EACH DAY A VIOLATION CONTINUES AFTER THE FIRST
20 CONVICTION IS A SUBSEQUENT OFFENSE.

21 (3) IN ADDITION TO ANY OTHER PENALTIES PROVIDED UNDER THIS
22 SUBSECTION, A BSL-3 LABORATORY SUBJECT TO THIS SECTION THAT FAILS TO
23 REPORT THE INFORMATION REQUIRED UNDER SUBSECTION (D) OF THIS SECTION IS
24 SUBJECT TO AN ADMINISTRATIVE FINE NOT EXCEEDING \$500.

25 SECTION 2. AND BE IT FURTHER ENACTED, That:

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

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

34 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect

1 October 1, 2019.