

# HOUSE BILL 1249

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CF SB 657

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By: **Delegates Reznik, Atterbeary, B. Barnes, Barron, Cain, Cardin, Conaway, Crutchfield, Cullison, Dumais, Ebersole, W. Fisher, Gilchrist, Guyton, Healey, Hettleman, Hill, Ivey, Jalisi, Kelly, J. Lewis, R. Lewis, Lopez, Moon, Mosby, Palakovich Carr, Pena–Melnyk, Pendergrass, Shetty, Solomon, Sydnor, Terrasa, Valentino–Smith, Wilkins, and P. Young**

Introduced and read first time: February 8, 2019

Assigned to: Health and Government Operations and Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Pilot Program – Alleged Rape, Sexual Offense, or Child Sexual Abuse – HIV**  
3 **Postexposure Prophylaxis**

4 FOR the purpose of establishing the Pilot Program for Preventing HIV Infection for Rape  
5 Victims; establishing the purpose of the pilot program; requiring the Governor’s  
6 Office of Crime Control and Prevention to administer the pilot program; requiring  
7 that a victim of an alleged rape or sexual offense or a victim of alleged child sexual  
8 abuse be provided with a full course of treatment and follow–up care for postexposure  
9 prophylaxis for the prevention of HIV infection at the request of the victim and as  
10 prescribed by a health care provider; authorizing a victim who receives treatment  
11 under a certain provision of this Act to decline to provide certain information under  
12 certain circumstances; requiring the physician, qualified health care provider, or  
13 hospital providing a victim with certain treatment to inform the victim of a certain  
14 right; requiring that the treatment and follow–up care be provided without charge  
15 to the victim under certain circumstances; providing that the physician, qualified  
16 health care provider, or hospital providing the treatment or follow–up care is entitled  
17 to be paid by the Criminal Injuries Compensation Board under certain  
18 circumstances; providing for a certain immunity for certain persons; requiring the  
19 Governor’s Office of Crime Control and Prevention to report to the Governor and  
20 General Assembly on or before a certain date; defining certain terms; providing for

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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



1 the termination of this Act; and generally relating to the Pilot Program for  
2 Preventing HIV Infection for Rape Victims.

3 BY adding to

4 Article – Criminal Procedure

5 Section 11–1008

6 Annotated Code of Maryland

7 (2018 Replacement Volume)

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

10 **Article – Criminal Procedure**

11 **11–1008.**

12 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
13 INDICATED.

14 (2) “CHILD” MEANS ANY INDIVIDUAL UNDER THE AGE OF 18 YEARS.

15 (3) “HIV” MEANS THE HUMAN IMMUNODEFICIENCY VIRUS THAT  
16 CAUSES ACQUIRED IMMUNE DEFICIENCY SYNDROME.

17 (4) “PHYSICIAN” HAS THE MEANING STATED IN § 11–1007 OF THIS  
18 SUBTITLE.

19 (5) “QUALIFIED HEALTH CARE PROVIDER” HAS THE MEANING  
20 STATED IN § 11–1007 OF THIS SUBTITLE.

21 (6) “SEXUAL ABUSE” HAS THE MEANING STATED IN § 11–1007 OF THIS  
22 SUBTITLE.

23 (B) (1) THERE IS A PILOT PROGRAM FOR PREVENTING HIV INFECTION  
24 FOR RAPE VICTIMS.

25 (2) THE PURPOSE OF THE PILOT PROGRAM IS TO PREVENT HIV  
26 INFECTION FOR VICTIMS OF AN ALLEGED RAPE OR SEXUAL OFFENSE OR VICTIMS OF  
27 ALLEGED CHILD SEXUAL ABUSE.

28 (3) THE GOVERNOR’S OFFICE OF CRIME CONTROL AND  
29 PREVENTION SHALL ADMINISTER THE PILOT PROGRAM.

30 (C) (1) TO ACCOMPLISH THE PURPOSE OF THE PILOT PROGRAM, A  
31 VICTIM OF AN ALLEGED RAPE OR SEXUAL OFFENSE OR A VICTIM OF ALLEGED CHILD

1 SEXUAL ABUSE SHALL BE PROVIDED WITH A FULL COURSE OF TREATMENT AND  
2 FOLLOW-UP CARE FOR POSTEXPOSURE PROPHYLAXIS FOR THE PREVENTION OF  
3 HIV INFECTION AT THE REQUEST OF THE VICTIM AND AS PRESCRIBED BY A HEALTH  
4 CARE PROVIDER.

5 (2) (I) A VICTIM WHO RECEIVES TREATMENT UNDER THIS  
6 SUBSECTION MAY DECLINE TO PROVIDE HEALTH INSURANCE INFORMATION OR  
7 SUBMIT PERSONAL INFORMATION TO A PAYMENT ASSISTANCE PROGRAM IF THE  
8 VICTIM BELIEVES THAT PROVIDING THE INFORMATION WOULD INTERFERE WITH  
9 PERSONAL PRIVACY OR SAFETY.

10 (II) THE PHYSICIAN, QUALIFIED HEALTH CARE PROVIDER, OR  
11 HOSPITAL PROVIDING A VICTIM WITH TREATMENT AND FOLLOW-UP CARE UNDER  
12 PARAGRAPH (1) OF THIS SUBSECTION SHALL INFORM THE VICTIM OF THE VICTIM'S  
13 RIGHT TO DECLINE TO PROVIDE HEALTH INSURANCE INFORMATION OR SUBMIT  
14 PERSONAL INFORMATION TO A PAYMENT ASSISTANCE PROGRAM.

15 (III) IF A VICTIM DECLINES TO PROVIDE HEALTH INSURANCE  
16 INFORMATION OR TO SUBMIT PERSONAL INFORMATION TO A PAYMENT ASSISTANCE  
17 PROGRAM:

18 1. THE TREATMENT AND FOLLOW-UP CARE SHALL BE  
19 PROVIDED WITHOUT CHARGE TO THE VICTIM; AND

20 2. SUBJECT TO THE LIMITATION ESTABLISHED UNDER  
21 SUBPARAGRAPH (IV) OF THIS PARAGRAPH, THE PHYSICIAN, QUALIFIED HEALTH  
22 CARE PROVIDER, OR HOSPITAL PROVIDING THE TREATMENT OR FOLLOW-UP CARE  
23 IS ENTITLED TO BE PAID BY THE CRIMINAL INJURIES COMPENSATION BOARD AS  
24 PROVIDED UNDER SUBTITLE 8 OF THIS TITLE FOR THE COSTS OF PROVIDING THE  
25 SERVICES.

26 (IV) THE TOTAL AMOUNT PAID TO PHYSICIANS, QUALIFIED  
27 HEALTH CARE PROVIDERS, AND HOSPITALS FROM THE CRIMINAL INJURIES  
28 COMPENSATION BOARD UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH MAY NOT  
29 EXCEED \$750,000 ANNUALLY.

30 (D) (1) A PHYSICIAN OR A QUALIFIED HEALTH CARE PROVIDER WHO  
31 EXAMINES A VICTIM OF ALLEGED CHILD SEXUAL ABUSE UNDER THE PROVISIONS OF  
32 THIS SECTION IS IMMUNE FROM CIVIL LIABILITY THAT MAY RESULT FROM THE  
33 FAILURE OF THE PHYSICIAN OR QUALIFIED HEALTH CARE PROVIDER TO OBTAIN  
34 CONSENT FROM THE CHILD'S PARENT, GUARDIAN, OR CUSTODIAN FOR THE  
35 EXAMINATION OR TREATMENT OF THE CHILD.

1           **(2) THE IMMUNITY PROVIDED UNDER PARAGRAPH (1) OF THIS**  
 2 **SUBSECTION EXTENDS TO:**

3           **(I) ANY HOSPITAL WITH WHICH THE PHYSICIAN OR QUALIFIED**  
 4 **HEALTH CARE PROVIDER IS AFFILIATED OR TO WHICH THE CHILD IS BROUGHT; AND**

5           **(II) ANY INDIVIDUAL WORKING UNDER THE CONTROL OR**  
 6 **SUPERVISION OF THE HOSPITAL.**

7           **(E) ON OR BEFORE DECEMBER 1, 2021, THE GOVERNOR'S OFFICE OF**  
 8 **CRIME CONTROL AND PREVENTION SHALL REPORT TO THE GOVERNOR AND, IN**  
 9 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL**  
 10 **ASSEMBLY ON THE OPERATION AND RESULTS OF THE PILOT PROGRAM, INCLUDING:**

11           **(1) THE NUMBER OF PATIENTS THAT QUALIFIED TO RECEIVE**  
 12 **POSTEXPOSURE PROPHYLAXIS UNDER THE PILOT PROGRAM;**

13           **(2) THE NUMBER OF PATIENTS THAT CHOSE TO RECEIVE**  
 14 **POSTEXPOSURE PROPHYLAXIS;**

15           **(3) THE TOTAL AMOUNT REIMBURSED TO PROVIDERS FOR THE**  
 16 **POSTEXPOSURE PROPHYLAXIS; AND**

17           **(4) THE COST OF THE POSTEXPOSURE PROPHYLAXIS TREATMENT**  
 18 **AND FOLLOW-UP CARE PROVIDED UNDER THE PILOT PROGRAM.**

19           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 20 October 1, 2019. It shall remain effective for a period of 3 years and, at the end of September  
 21 30, 2022, this Act, with no further action required by the General Assembly, shall be  
 22 abrogated and of no further force and effect.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.