

HOUSE BILL 1150

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By: **Delegate Cox**

Introduced and read first time: February 8, 2021

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health – Authority of the Secretary of Health and Medical Information**

3 FOR the purpose of altering a provision of law that prohibits a parent or guardian from
4 being required to present a certain certificate of immunization under certain
5 circumstances to be admitted to school to apply only to public schools; requiring the
6 Secretary of Health to include an exclusion for certain individuals when exercising
7 certain authority; prohibiting an individual from being required to provide certain
8 proof to obtain employment or to travel; and generally relating to the authority of
9 the Secretary of Health and medical information.

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 7–403
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2020 Supplement)

15 BY adding to
16 Article – Health – General
17 Section 18–901.1; and 20–2001 to be under the new subtitle “Subtitle 20. Medical
18 Information for Employment or Travel”
19 Annotated Code of Maryland
20 (2019 Replacement Volume and 2020 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article – Health – General
23 Section 18–902 through 18–905 and 18–906(a)
24 Annotated Code of Maryland
25 (2019 Replacement Volume and 2020 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Education

1

2 7–403.

3 (a) (1) In cooperation with the State Board and the Medical and Chirurgical
4 Faculty of Maryland, the Maryland Department of Health shall adopt rules and regulations
5 regarding blood tests for lead poisoning required of children entering schools.

6 (2) In cooperation with the State Board and the Statewide Advisory
7 Commission on Immunizations, the Maryland Department of Health shall adopt rules and
8 regulations regarding immunizations required of children entering schools.

9 (3) These rules and regulations shall:

10 (i) Be adopted in compliance with the Administrative Procedure
11 Act;

12 (ii) Provide that any child may have the immunization administered
13 by his personal physician; and

14 (iii) 1. By September 2003, in areas designated as at risk for lead
15 poisoning, as determined under § 18–106 of the Health – General Article, when a child
16 enters a public prekindergarten program, kindergarten program, or first grade, require the
17 parent or legal guardian of the child to provide documentation from a health care provider,
18 on a form developed by the Maryland Department of Health, certifying that the child has
19 undergone blood testing for lead poisoning administered in accordance with the guidelines
20 of the Centers for Disease Control and Prevention in the screening of young children for
21 lead poisoning: Guidance for State and Local Public Health Officials (November 1997) and
22 any subsequent guidelines; and

23 2. By September 2003, require a program or school to report
24 the name, last known address, and telephone number of each child for whom certified
25 documentation of a lead test is not provided under item 1 of this item, as determined by
26 regulation, to the local health department in the jurisdiction where the child resides.

27 (4) Any requirement for the administration of pertussis vaccine shall be
28 consistent with § 18–332(b) of the Health – General Article.

29 (b) (1) Unless the Secretary of Health declares an emergency or an epidemic
30 of disease, a child whose parent or guardian objects to immunization on the ground that it
31 conflicts with the parent’s or guardian’s bona fide religious beliefs and practices may not
32 be required to present a physician’s certification of immunization in order to be admitted
33 to **A PUBLIC** school.

34 (2) The Secretary of Health shall adopt rules and regulations for religious
35 exemptions under this subsection.

1 **Article – Health – General**

2 **18–901.1.**

3 **IN EXERCISING THE AUTHORITY GRANTED IN THIS SUBTITLE, THE**
4 **SECRETARY SHALL INCLUDE AN EXCLUSION FOR:**

5 **(1) VULNERABLE INDIVIDUALS; AND**

6 **(2) INDIVIDUALS WHO OBJECT TO THE SECRETARY’S AUTHORITY.**

7 **18–902.**

8 Notwithstanding any other provision of law, the Secretary may exercise the
9 authority granted in this subtitle to:

10 (1) Continuously evaluate and modify existing disease surveillance
11 procedures in order to detect a catastrophic health emergency;

12 (2) Investigate actual or potential exposures to a deadly agent; and

13 (3) Treat, prevent, or reduce the spread of the disease or outbreak believed
14 to have been caused by the exposure to a deadly agent.

15 **18–903.**

16 (a) (1) In accordance with procedures to be adopted by the Department, the
17 Secretary, in consultation with health care facilities, may require health care facilities to
18 develop and implement contingency plans addressing:

19 (i) Staff training needs;

20 (ii) Stockpiling of equipment, medication, and supplies necessary to
21 address a catastrophic health emergency;

22 (iii) Treatment and decontamination protocols;

23 (iv) The coordination of services with other public and private
24 entities; and

25 (v) Any other area that the Secretary determines is necessary to
26 assist in the early detection and treatment of an individual exposed to a deadly agent.

27 (2) To the extent feasible, the procedures to be adopted by the Department
28 under paragraph (1) of this subsection shall be consistent with accreditation requirements

1 of the Joint Commission on Accreditation of Healthcare Organizations.

2 (b) After consulting with the appropriate licensing board, the Secretary:

3 (1) Shall publish protocols to assist health care practitioners in developing
4 plans to respond to a catastrophic health emergency; and

5 (2) May, if necessary, require health care practitioners to implement the
6 plans developed under item (1) of this subsection.

7 (c) The Secretary shall coordinate with the health occupations boards to develop
8 a process to license, certify, or credential both licensed health care practitioners and
9 out-of-state health care practitioners who may be needed to respond to a catastrophic
10 health emergency.

11 18-904.

12 (a) In this section, "information" means medical, epidemiological, or other data
13 concerning a specific individual or a group of individuals, regardless of whether the
14 information is otherwise deemed confidential under Title 4 of this article or as otherwise
15 provided under law.

16 (b) In order to maintain an effective disease surveillance system for detecting
17 whether individuals have been exposed to a deadly agent, the Secretary may by order,
18 directive, or regulation:

19 (1) Require a health care provider or other person to report information to
20 the Secretary or other public official on the following:

21 (i) The presence of an individual or group of individuals with
22 specified illnesses or symptoms;

23 (ii) Diagnostic and laboratory findings relating to diseases caused by
24 deadly agents;

25 (iii) Statistical or utilization trends relating to potential disease
26 outbreaks;

27 (iv) Information needed to conduct contact tracing for exposed
28 individuals; and

29 (v) Other data deemed by the Secretary to have epidemiological
30 significance in detecting possible catastrophic health emergencies;

31 (2) Obtain access to information in the possession of a health care provider;

32 (3) Require or authorize a health care provider to disclose information to

1 an agency of the federal, State, or local government or another health care provider;

2 (4) Require a health care provider or other person to submit reports to the
3 Department containing information detailing the presence and use of deadly agents;

4 (5) Obtain access to premises in order to secure environmental samples
5 and otherwise investigate actual or potential exposures to deadly agents; and

6 (6) Require a veterinarian or other person to report data relating to
7 specified illnesses or symptoms in animal populations.

8 (c) The Secretary, in acquiring information under subsection (b) of this section,
9 shall:

10 (1) Request and use nonidentifying information whenever possible; and

11 (2) Limit the use of confidential information to the extent necessary to
12 detect and investigate actual or potential exposures to a deadly agent.

13 (d) (1) Any information that the Secretary receives under subsection (b) of this
14 section is confidential and may be used or disclosed only in accordance with this section.

15 (2) If the information requested in subsection (b) of this section is otherwise
16 confidential under Title 4 of this article or as otherwise provided under law, the Secretary
17 or person that receives the information may not redisclose the information except as
18 provided in paragraph (3) of this subsection.

19 (3) A person may redisclose the information to another health care provider
20 or public official provided that:

21 (i) The health care provider or public agency to whom the
22 information is disclosed will maintain the confidentiality of the disclosure; and

23 (ii) The Secretary determines the disclosure is necessary to treat,
24 prevent, or reduce the spread of the disease or outbreak believed to have been caused by
25 the exposure to a deadly agent.

26 18–905.

27 (a) In investigating actual or potential exposures to a deadly agent, the Secretary:

28 (1) (i) May issue an order requiring individuals whom the Secretary
29 has reason to believe have been exposed to a deadly agent to seek appropriate and necessary
30 evaluation and treatment;

31 (ii) When the Secretary determines that it is medically necessary
32 and reasonable to prevent or reduce the spread of the disease or outbreak believed to have

1 been caused by the exposure to a deadly agent, may order an individual or group of
2 individuals to go to and remain in places of isolation or quarantine until the Secretary
3 determines that the individual no longer poses a substantial risk of transmitting the
4 disease or condition to the public; and

5 (iii) If a competent individual over the age of 18 refuses vaccination,
6 medical examination, treatment, or testing under this paragraph, may require the
7 individual to go to and remain in places of isolation or quarantine until the Secretary
8 determines that the individual no longer poses a substantial risk of transmitting the
9 disease or condition to the public;

10 (2) May coordinate and direct the efforts of any health officer or health
11 commissioner of any subdivision in seeking to detect or respond to threats posed by a deadly
12 agent; and

13 (3) May order any sheriff, deputy sheriff, or other law enforcement officer
14 of the State or any subdivision to assist in the execution or enforcement of any order issued
15 under this subtitle.

16 (b) The Secretary may issue an order under subsection (a) of this section:

17 (1) If, prior to the issuance of a proclamation under § 14–3A–02 of the
18 Public Safety Article, the Secretary determines that the disease or outbreak can be
19 medically contained by the Department and appropriate health care providers; and

20 (2) As necessary to implement an order issued by the Governor under §
21 14–3A–02 of the Public Safety Article.

22 18–906.

23 (a) (1) If the Secretary requires an individual or a group of individuals to go to
24 and remain in places of isolation or quarantine under § 18–905 of this subtitle, the
25 Secretary shall issue a directive to the individual or group of individuals.

26 (2) The directive shall specify:

27 (i) The identity of the individual or group of individuals subject to
28 isolation or quarantine;

29 (ii) The premises subject to isolation or quarantine;

30 (iii) The date and time at which isolation or quarantine commences;

31 (iv) The suspected deadly agent causing the outbreak or disease, if
32 known;

33 (v) The basis upon which isolation or quarantine is justified; and

1 (vi) The availability of a hearing to contest the directive.

2 (3) (i) Except as provided in subparagraph (ii) of this paragraph, the
3 directive shall be in writing and given to the individual or group of individuals prior to the
4 individual or group of individuals being required to go to and remain in places of isolation
5 and quarantine.

6 (ii) 1. If the Secretary determines that the notice required under
7 subparagraph (i) of this paragraph is impractical because of the number of individuals or
8 geographical areas affected, the Secretary shall ensure that the affected individuals are
9 fully informed of the directive using the best possible means available.

10 2. If the directive applies to a group of individuals and it is
11 impractical to provide written individual copies under subparagraph (i) of this paragraph,
12 the written directive may be posted in a conspicuous place in the isolation or quarantine
13 premises.

14 **SUBTITLE 20. MEDICAL INFORMATION FOR EMPLOYMENT OR TRAVEL.**

15 **20-2001.**

16 **AN INDIVIDUAL MAY NOT BE REQUIRED TO PROVIDE PROOF OF A MEDICAL**
17 **EXAMINATION, A VACCINATION, A MEDICAL TEST, OR ANY OTHER MEDICAL**
18 **INFORMATION TO OBTAIN EMPLOYMENT OR TO TRAVEL BY AIR OR OTHERWISE.**

19 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
20 **October 1, 2021.**