

# SENATE BILL 741

J1, J3, F2

EMERGENCY BILL  
**ENROLLED BILL**

(11r1786)

— *Finance and Budget and Taxation/Health and Government Operations and Appropriations* —

Introduced by **Senators Rosapepe, Beidle, Augustine, King, ~~and Waldstreicher~~  
Waldstreicher, and Benson**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **COVID-19 Testing, Contact Tracing, and Vaccination Act of 2021**

3 FOR the purpose of requiring, on or before a certain date, the Maryland Department of  
4 Health, in collaboration with local health departments in the State, to adopt and  
5 implement a certain plan to respond to the outbreak of COVID-19; establishing  
6 certain requirements for the plan; requiring the Department, in collaboration with  
7 local health departments and other persons, to include in the plan the establishment  
8 of a Maryland Public Health Jobs Corps; establishing certain requirements for the  
9 Corps; requiring the Department to submit the plan to the General Assembly on or  
10 before a certain date; requiring the Department to provide in certain fiscal years  
11 certain funding in grants to local jurisdictions for certain purposes; authorizing a  
12 local jurisdiction to use certain grant funding for a certain purpose; establishing

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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.

*Italics indicate opposite chamber/conference committee amendments.*



1 certain formulas for the allocation of certain funding to local jurisdictions; ~~requiring~~  
 2 authorizing the Department to ~~first~~ use only certain federal funding to provide  
 3 certain funding to local jurisdictions; ~~requiring the Department to use general funds~~  
 4 ~~to provide certain funding to local jurisdictions under certain circumstances;~~  
 5 requiring the Department, on or before a certain date and with input from certain  
 6 persons, to develop and submit to the General Assembly a certain plan for  
 7 vaccinating residents of the State against COVID-19; requiring that the plan include  
 8 certain information and elements; requiring the Department to provide to the  
 9 General Assembly, for the duration of a certain calendar year, certain weekly  
 10 progress reports on implementation of the plan; requiring the reports to be submitted  
 11 to the General Assembly in a certain manner; requiring the Department to convene  
 12 a Maryland Public Health Infrastructure Modernization Workgroup; providing for  
 13 the composition of the Workgroup; requiring the Workgroup to conduct a certain  
 14 assessment and make certain recommendations; requiring the Workgroup to submit  
 15 a certain report to the General Assembly on or before a certain date; altering the  
 16 effective date of certain provisions of law governing the disclosure of outpatient facility  
 17 fees; requiring, for a certain calendar year, certain institutions of higher education  
 18 in the State to ~~adopt and implement~~ establish a certain COVID-19 ~~testing~~ security  
 19 plan; requiring that the COVID-19 ~~testing~~ security plan ~~adopted and implemented~~  
 20 established by certain institutions of higher education ~~include a certain requirement~~  
 21 be posted on a certain website and made available to the public; requiring home  
 22 health agencies to adopt and implement a certain COVID-19 infection control and  
 23 prevention plan and provide the plan to certain individuals; requiring ~~home health~~  
 24 ~~agencies~~, nursing homes, and assisted living programs to adopt and implement  
 25 COVID-19 testing plans; establishing certain requirements for the COVID-19  
 26 testing plans; requiring the Department to adopt certain regulations; requiring the  
 27 Department, to the extent practicable, to provide certain grant funding to home  
 28 health agencies and assisted living facilities in certain years to cover the cost of  
 29 certain COVID-19 testing; requiring certain insurers, nonprofit health service plans,  
 30 and health maintenance organizations to provide coverage for certain COVID-19  
 31 tests and ~~associated costs~~ related items and services for the administration of the  
 32 tests; ~~prohibiting certain insurers, nonprofit health service plans, and health~~  
 33 ~~maintenance organizations from requiring a member to obtain a certain~~  
 34 ~~determination as a condition for the coverage~~; prohibiting certain insurers, nonprofit  
 35 health service plans, and health maintenance organizations from applying a  
 36 copayment, coinsurance requirement, or deductible to the coverage; stating the  
 37 intent of the General Assembly; providing that any funding appropriate for the  
 38 implementation of this Act may consist only of certain federal funds; defining certain  
 39 terms; providing for the application of certain provisions of this Act; making this Act  
 40 an emergency measure; providing for the termination of certain provisions of this  
 41 Act; and generally relating to public health and testing, contact tracing, and  
 42 vaccination for COVID-19.

43 BY adding to

44 Article – Health – General

45 Section 16-201.5; 18-9A-01 through 18-9A-04 to be under the new subtitle

46 “Subtitle 9A. COVID-19 Testing, Contact Tracing, and Vaccination Act”;

1 19-411; 19-14C-01 and 19-14C-02 to be under the new subtitle “Subtitle  
2 14C. COVID-19 Testing Plan”; and 19-1814  
3 Annotated Code of Maryland  
4 (2019 Replacement Volume and 2020 Supplement)

5 *BY repealing and reenacting, with amendments,*  
6 *Chapter 365 of the Acts of the General Assembly of 2020*  
7 *Section 2*

8 BY adding to  
9 Article – Education  
10 Section 11-1701 and 11-1702 to be under the new subtitle “Subtitle 17. COVID-19  
11 Testing Plan”  
12 Annotated Code of Maryland  
13 (2018 Replacement Volume and 2020 Supplement)

14 BY adding to  
15 Article – Insurance  
16 Section 15-856  
17 Annotated Code of Maryland  
18 (2017 Replacement Volume and 2020 Supplement)

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

21 **Article – Health – General**

22 **SUBTITLE 9A. COVID-19 TESTING, CONTACT TRACING, AND VACCINATION ACT.**

23 **18-9A-01.**

24 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
25 INDICATED.

26 (B) “COVID-19” MEANS, INTERCHANGEABLY AND COLLECTIVELY, THE  
27 CORONAVIRUS KNOWN AS COVID-19 OR 2019-nCoV AND THE SARS-CoV-2  
28 VIRUS.

29 (C) “COVID-19 TEST” MEANS ~~A FEDERAL FOOD AND DRUG~~  
30 ~~ADMINISTRATION APPROVED MOLECULAR POLYMERASE CHAIN REACTION (PCR)~~  
31 ~~TEST OR AN ANTIGEN TEST FOR THE DETECTION OR DIAGNOSIS OF COVID-19 AN~~  
32 IN VITRO DIAGNOSTIC TEST FOR THE DETECTION OF SARS-CoV-2 OR THE  
33 DIAGNOSIS OF THE VIRUS THAT CAUSES COVID-19, AS DESCRIBED IN § 3201 OF  
34 THE FEDERAL CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES)  
35 ACT.

1 18-9A-02.

2 (A) ON OR BEFORE ~~APRIL 1, 2021~~ JUNE 1, 2021, THE DEPARTMENT, IN  
3 COLLABORATION WITH LOCAL HEALTH DEPARTMENTS IN THE STATE AND THE  
4 MARYLAND STATE DEPARTMENT OF EDUCATION, SHALL ADOPT AND IMPLEMENT A  
5 2-YEAR PLAN TO RESPOND TO THE OUTBREAK OF COVID-19.

6 (B) THE PLAN REQUIRED UNDER THIS SECTION SHALL:

7 (1) INCLUDE MEASURES TO ENHANCE PUBLIC HEALTH EFFORTS AT  
8 THE STATE AND LOCAL LEVEL TO MONITOR, PREVENT, AND MITIGATE THE SPREAD  
9 OF COVID-19;

10 (2) (I) ASSESS THE COVID-19 PUBLIC AND PRIVATE TESTING  
11 INFRASTRUCTURE IN PLACE BOTH STATEWIDE AND IN EACH LOCAL JURISDICTION;

12 (II) IDENTIFY AND ADDRESS THE UNMET NEEDS FOR  
13 COVID-19 TESTING STATEWIDE AND IN EACH LOCAL JURISDICTION, INCLUDING  
14 THE NUMBER AND LOCATION OF PUBLIC AND PRIVATE TESTING PROVIDERS  
15 REQUIRED TO ENSURE ACCESS TO TESTING ON DEMAND FOR ALL RESIDENTS OF THE  
16 STATE;

17 (III) ESTABLISH SPECIFIC MONTHLY GOALS FOR COVID-19  
18 TESTING STATEWIDE AND IN EACH LOCAL JURISDICTION TO ENSURE ACCESS TO  
19 TESTING FOR ALL RESIDENTS OF THE STATE, INCLUDING:

20 1. A GOAL TO ACHIEVE THE CAPACITY TO PERFORM ~~UP~~  
21 ~~TO 100,000 COVID-19 TESTS PER DAY IN THE STATE~~ THE SURVEILLANCE TESTING  
22 REQUIRED TO SAFELY REOPEN AND KEEP OPEN SCHOOLS, INSTITUTIONS OF HIGHER  
23 EDUCATION, WORKPLACES, AND OTHER COMMUNITY FACILITIES IN THE STATE  
24 WHILE MINIMIZING THE COMMUNITY SPREAD OF COVID-19 IN CALENDAR YEARS  
25 2021 AND 2022 THROUGH A NETWORK OF PUBLIC AND PRIVATE TESTING  
26 PROVIDERS; AND

27 2. FOR EACH LOCAL JURISDICTION, A GOAL TO  
28 ~~ESTABLISH IN CALENDAR YEARS 2021 AND 2022 AT LEAST SIX~~ THE REQUIRED  
29 NUMBER OF PUBLIC OR PRIVATE COVID-19 TESTING LOCATIONS PER 100,000  
30 ~~RESIDENTS~~ TO ACHIEVE THE SURVEILLANCE TESTING GOAL DESCRIBED IN ITEM 1  
31 OF THIS ITEM; AND

32 (IV) ~~INCLUDE A REQUIREMENT THAT STATE AND LOCAL~~  
33 ~~JURISDICTION GOVERNMENTAL PROVIDERS OF COVID-19 TESTING BILL HEALTH~~  
34 ~~INSURANCE CARRIERS TO COVER THE COST OF TESTING WHEN:~~

~~1. COVERAGE FOR COVID-19 TESTING IS PROVIDED UNDER A HEALTH BENEFIT PLAN OF AN INDIVIDUAL TESTED; AND~~

~~2. BILLING MAY BE CARRIED OUT IN A MANNER THAT WILL NOT CREATE A BARRIER TO ACCESSING TESTING FOR INDIVIDUALS WHO:~~

~~A. ARE UNINSURED; OR~~

~~B. MAY BE RELUCTANT TO RECEIVE A TEST IF THE INDIVIDUAL IS ASKED TO PROVIDE INFORMATION RELATING TO INSURANCE COVERAGE~~ ESTIMATE THE FUNDING REQUIRED TO IMPLEMENT THE SURVEILLANCE TESTING GOAL DESCRIBED IN ITEM (III)1 OF THIS ITEM AND THE EXTENT TO WHICH FEDERAL FUNDING ALREADY RECEIVED BY THE STATE IN FISCAL YEAR 2021 AND FEDERAL FUNDING THAT IS PROVIDED TO THE STATE AND RECEIVED AFTER MARCH 1, 2021, CAN BE USED TO COVER THE COST REQUIRED TO ACHIEVE THAT GOAL;

(3) (I) ASSESS THE CONTACT TRACING INFRASTRUCTURE IN PLACE FOR COVID-19 BOTH STATEWIDE AND IN EACH LOCAL JURISDICTION;

(II) DETERMINE THE OPTIMAL NUMBER OF CONTACT TRACING, CASE MANAGEMENT, CARE RESOURCE COORDINATION, AND OTHER PERSONNEL PER 100,000 RESIDENTS NEEDED IN EACH JURISDICTION TO EFFECTIVELY MONITOR, PREVENT, AND MITIGATE THE SPREAD OF COVID-19;

(III) IDENTIFY AND ADDRESS THE UNMET NEEDS FOR COVID-19 CONTACT TRACING AND RELATED OUTBREAK PREVENTION AND MITIGATION EFFORTS BOTH STATEWIDE AND IN EACH LOCAL JURISDICTION; AND

(IV) 1. ESTABLISH GOALS FOR IDENTIFYING, LOCATING, AND TESTING INDIVIDUALS WHO HAVE BEEN IN CLOSE CONTACT WITH INDIVIDUALS WHO TEST POSITIVE FOR COVID-19 THAT ARE IN ALIGNMENT WITH CENTERS FOR DISEASE CONTROL AND PREVENTION GUIDANCE FOR EFFECTIVE CONTACT TRACING PROGRAMS; AND

2. INCLUDE A MECHANISM FOR MONITORING PERFORMANCE OF CONTACT TRACING AND TESTING OF CONTACTS BOTH STATEWIDE AND FOR EACH LOCAL JURISDICTION;

(4) REQUIRE THE DEPARTMENT TO ASSIST LOCAL JURISDICTIONS THAT ADOPT STRATEGIES TO:

(I) ACCELERATE ACCESS TO AND THE USE OF AT-HOME COLLECTION AND POINT-OF-CARE TESTS FOR COVID-19; AND

1 (II) INCENTIVIZE AND ENCOURAGE PHARMACIES AND HEALTH  
 2 CARE PROVIDERS, INCLUDING PRIMARY CARE PROVIDERS, TO PROVIDE COVID-19  
 3 TESTING; AND

4 (5) ALLOW EACH LOCAL JURISDICTION TO ESTABLISH AND  
 5 IMPLEMENT A PROGRAM FOR COVID-19 CONTACT TRACING THAT IS INDEPENDENT  
 6 FROM THE CONTACT TRACING PROGRAM PERFORMED BY THE STATE OR THE ENTITY  
 7 WITH WHOM THE STATE HAS CONTRACTED TO PERFORM CONTACT TRACING FOR  
 8 THE STATE.

9 ~~(c) (1) THE DEPARTMENT, IN COLLABORATION WITH LOCAL HEALTH~~  
 10 ~~DEPARTMENTS, HEALTH CARE PROVIDERS, REPRESENTATIVES OF AREA HEALTH~~  
 11 ~~EDUCATION CENTERS, AND OTHER RELEVANT STAKEHOLDERS, SHALL INCLUDE IN~~  
 12 ~~THE PLAN REQUIRED UNDER THIS SECTION THE ESTABLISHMENT OF A MARYLAND~~  
 13 ~~PUBLIC HEALTH JOBS CORPS.~~

14 ~~(2) THE MARYLAND PUBLIC HEALTH JOBS CORPS SHALL BE~~  
 15 ~~COMPOSED OF COMMUNITY HEALTH WORKERS AND OTHER HEALTH CARE~~  
 16 ~~PERSONNEL RECRUITED, TRAINED, AND DEPLOYED FOR EMPLOYMENT BY LOCAL~~  
 17 ~~HEALTH DEPARTMENTS, NONPROFIT ORGANIZATIONS, AND OTHER ENTITIES TO~~  
 18 ~~RESPOND TO THE OUTBREAK OF COVID 19 BY PROVIDING, TO THE EXTENT~~  
 19 ~~AUTHORIZED UNDER FEDERAL OR STATE LAW, OR FACILITATING:~~

20 ~~(I) TESTING;~~

21 ~~(II) CONTACT TRACING;~~

22 ~~(III) VACCINE ADMINISTRATION, INCLUDING VACCINE~~  
 23 ~~OUTREACH AND NAVIGATION SUPPORTS; AND~~

24 ~~(IV) OTHER CASE MANAGEMENT AND RESOURCE SUPPORT~~  
 25 ~~SERVICES FOR INDIVIDUALS WHO HAVE BEEN EXPOSED TO OR TEST POSITIVE FOR~~  
 26 ~~COVID-19.~~

27 ~~(3) THE MARYLAND PUBLIC HEALTH JOBS CORPS SHALL HAVE A~~  
 28 ~~DESIGN THAT:~~

29 ~~(I) PRIORITIZES THE RECRUITMENT, TRAINING, AND~~  
 30 ~~DEPLOYMENT OF INDIVIDUALS FOR THE WORKFORCE WHO HAVE BEEN DISPLACED~~  
 31 ~~FROM OTHER WORKFORCE SECTORS THAT HAVE BEEN IMPACTED NEGATIVELY AS A~~  
 32 ~~RESULT OF THE OUTBREAK OF COVID-19; AND~~

33 ~~(II) INCLUDES A PATHWAY DESIGNED TO ENABLE MEMBERS OF~~  
 34 ~~THE PUBLIC HEALTH RESPONSE WORKFORCE TO TRANSITION TO POSITIONS WITH A~~

~~RESPONSIBILITY TO MEET ONGOING POSTPANDEMIC POPULATION HEALTH NEEDS  
OF UNDERSERVED COMMUNITIES AND VULNERABLE POPULATIONS.~~

~~(D)~~ (C) THE PLAN REQUIRED UNDER THIS SECTION SHALL HAVE A DESIGN THAT ADDRESSES THE DISPROPORTIONATE IMPACT OF THE COVID-19 PANDEMIC ON UNDERSERVED AND MINORITY COMMUNITIES IN THE STATE.

~~(D)~~ ~~(E)~~ (D) ON OR BEFORE ~~APRIL 1, 2021~~ JUNE 1, 2021, THE DEPARTMENT SHALL SUBMIT THE PLAN REQUIRED UNDER THIS SECTION TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE.

~~(E)~~ ~~(F)~~ (E) (1) (I) FOR FISCAL YEARS 2021 AND 2022, THE DEPARTMENT SHALL PROVIDE \$25,000,000 EACH YEAR IN GRANTS TO LOCAL JURISDICTIONS TO EXPAND CAPACITY FOR COVID-19 TESTING AND CONTACT TRACING, OR FOR ANY OTHER PUBLIC HEALTH PURPOSE RELATED TO COVID-19 RESPONSE FOR WHICH FEDERAL FUNDING IS AUTHORIZED.

(II) GRANT FUNDING PROVIDED FOR COVID-19 ~~TESTING AND CONTACT TRACING~~ RESPONSE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE DIVIDED BETWEEN LOCAL JURISDICTIONS IN PROPORTION TO THEIR RESPECTIVE POPULATIONS.

(III) THE DEPARTMENT SHALL PROVIDE ADDITIONAL GRANT FUNDING TO A LOCAL JURISDICTION TO SUPPLEMENT THE GRANT FUNDING ALLOCATED TO THE LOCAL JURISDICTION UNDER SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH IF THE DEPARTMENT DETERMINES THAT THE INITIAL ALLOCATION OF GRANT FUNDING IS NOT SUFFICIENT TO MEET THE COVID-19 TESTING AND CONTACT TRACING NEEDS OF THE LOCAL JURISDICTION.

(IV) A LOCAL JURISDICTION MAY USE GRANT FUNDING PROVIDED UNDER THIS SUBSECTION TO EXPAND COVID-19 TESTING CAPACITY THROUGH DIRECT TESTING EFFORTS BY THE HEALTH DEPARTMENT OF THE LOCAL JURISDICTION OR BY CONTRACTING WITH OTHER ENTITIES TO PROVIDE TESTING.

(2) (I) FOR FISCAL YEARS 2021 AND 2022 AND IN ADDITION TO ANY FUNDING PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL PROVIDE FUNDING TO LOCAL JURISDICTIONS THAT ELECT TO ESTABLISH AND IMPLEMENT A PROGRAM FOR COVID-19 CONTACT TRACING THAT IS INDEPENDENT FROM THE CONTACT TRACING PROGRAM PERFORMED BY THE STATE OR THE ENTITY WITH WHOM THE STATE HAS CONTRACTED TO PERFORM CONTACT TRACING FOR THE STATE.

(II) THE AMOUNT OF FUNDING PROVIDED TO A LOCAL JURISDICTION FOR COVID-19 CONTACT TRACING UNDER SUBPARAGRAPH (I) OF

1 THIS PARAGRAPH SHALL BE EQUIVALENT TO THE COST PER CASE AMOUNT  
 2 PROVIDED TO THE ENTITY WITH WHOM THE STATE HAS CONTRACTED TO PERFORM  
 3 CONTACT TRACING FOR THE STATE.

4 (3) (I) FOR FISCAL YEARS 2021 AND 2022, THE DEPARTMENT  
 5 SHALL PROVIDE \$15,000,000 EACH YEAR IN GRANTS TO LOCAL JURISDICTIONS TO  
 6 VACCINATE RESIDENTS OF THE LOCAL JURISDICTION AGAINST COVID-19.

7 (II) GRANT FUNDING PROVIDED FOR COVID-19 VACCINATION  
 8 UNDER THIS SUBSECTION SHALL BE DIVIDED BETWEEN LOCAL JURISDICTIONS IN  
 9 PROPORTION TO THEIR RESPECTIVE POPULATIONS.

10 (III) THE DEPARTMENT SHALL PROVIDE ADDITIONAL GRANT  
 11 FUNDING TO A LOCAL JURISDICTION TO SUPPLEMENT THE GRANT FUNDING  
 12 ALLOCATED TO THE LOCAL JURISDICTION UNDER SUBPARAGRAPHS (I) AND (II) OF  
 13 THIS PARAGRAPH IF THE DEPARTMENT DETERMINES THAT THE INITIAL  
 14 ALLOCATION OF GRANT FUNDING IS NOT SUFFICIENT TO MEET THE COVID-19  
 15 VACCINATION NEEDS OF THE LOCAL JURISDICTION.

16 (4) ~~(H)~~ THE DEPARTMENT ~~SHALL FIRST~~ MAY USE ONLY FEDERAL  
 17 FUNDING ALLOCATED TO THE STATE UNDER THE CORONAVIRUS RESPONSE AND  
 18 RELIEF SUPPLEMENTAL APPROPRIATIONS ACT AND ANY OTHER FEDERAL  
 19 LEGISLATION ENACTED IN CALENDAR YEARS 2020 THROUGH 2022 TO PROVIDE  
 20 FUNDING REQUIRED UNDER THIS SECTION.

21 ~~(H) IF THE FEDERAL FUNDING SPECIFIED UNDER~~  
 22 ~~SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT SUFFICIENTLY PROVIDE THE~~  
 23 ~~FUNDS REQUIRED UNDER THIS SECTION, GENERAL FUNDS SHALL BE USED TO~~  
 24 ~~SUPPLEMENT THE FEDERAL FUNDING.~~

25 ~~(F) (G) (F)~~ (1) TO THE EXTENT PRACTICABLE, THE DEPARTMENT SHALL  
 26 PROVIDE UP TO \$9,000,000 IN FISCAL YEAR 2021 AND \$36,000,000 IN FISCAL YEAR  
 27 2022 IN GRANT FUNDING TO ASSISTED LIVING PROGRAMS AND HOME HEALTH  
 28 AGENCIES IN CALENDAR YEAR 2021 TO COVER THE COST OF COVID-19 TESTING  
 29 FOR RESIDENTS, PATIENTS, AND STAFF.

30 (2) ~~IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE~~  
 31 ~~DEPARTMENT:~~

32 ~~(H)~~ ~~FIRST~~ THE DEPARTMENT MAY USE ONLY FEDERAL  
 33 FUNDING ALLOCATED TO THE STATE UNDER THE CORONAVIRUS RESPONSE AND  
 34 RELIEF SUPPLEMENTAL APPROPRIATIONS ACT AND ANY OTHER FEDERAL  
 35 LEGISLATION ENACTED IN CALENDAR YEARS 2020 THROUGH 2022 TO PROVIDE  
 36 FUNDING REQUIRED UNDER THE SUBSECTION, ~~AND.~~



~~(H) IF THE FEDERAL FUNDING SPECIFIED UNDER ITEM (I) OF THIS PARAGRAPH DOES NOT SUFFICIENTLY PROVIDE THE FUNDS NEEDED UNDER THIS SUBSECTION, USE GENERAL FUNDS TO SUPPLEMENT THE FEDERAL FUNDING.~~

18-9A-03.

(A) (1) ON OR BEFORE ~~APRIL 1, 2021~~ JUNE 1, 2021, THE DEPARTMENT, WITH INPUT FROM SUBJECT MATTER EXPERTS AND OTHER RELEVANT STAKEHOLDERS, SHALL DEVELOP AND SUBMIT TO THE GENERAL ASSEMBLY A COMPREHENSIVE PLAN FOR VACCINATING RESIDENTS OF THE STATE AGAINST COVID-19.

(2) THE PLAN REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) DETAILED INFORMATION ON:

1. THE CATEGORIES OF RESIDENTS OF THE STATE WHO WILL RECEIVE PRIORITY ACCESS TO VACCINES FOR COVID-19;

2. THE TIMELINE FOR PROVIDING VACCINES FOR COVID-19 TO RESIDENTS IN EACH OF THE PRIORITY CATEGORIES AND TO MEMBERS OF THE GENERAL PUBLIC WHO ARE NOT INCLUDED IN PRIORITY CATEGORIES; AND

3. TARGET METRICS FOR VACCINATING RESIDENTS IN EACH OF THE PRIORITY CATEGORIES AND FOR MEMBERS OF THE GENERAL PUBLIC WHO ARE NOT INCLUDED IN PRIORITY CATEGORIES; ~~AND~~

(II) A DEDICATION OF TIME AND RESOURCES TO TARGET VACCINE DISTRIBUTION AND VACCINE SAFETY OUTREACH EFFORTS TO COMMUNITIES THAT HAVE BEEN DISPROPORTIONATELY IMPACTED BY COVID-19 INFECTION, MORBIDITY, AND MORTALITY;

(III) A VACCINE DISTRIBUTION STRATEGY THAT ALLOCATES RESOURCES AND VACCINES ACROSS ALL PARTNERS AND VACCINATION SITES IN AN EQUITABLE MANNER THAT ENSURES THAT THE VACCINE ALLOCATION BY JURISDICTION ACCOUNTS FOR THE DISPROPORTIONATE IMPACT OF THE COVID-19 PANDEMIC ON UNDERSERVED AND MINORITY COMMUNITIES; AND

~~(IV) 1. IF PRACTICABLE, THE DEVELOPMENT OF A SINGLE PORTAL FOR RESIDENTS OF THE STATE TO SIGN UP TO RECEIVE A VACCINE; AND~~

1 ~~2. IF NOT PRACTICABLE, AN EXPLANATION OF WHY THE~~  
 2 ~~SINGLE PORTAL DESCRIBED UNDER ITEM 1 OF THIS ITEM IS NOT POSSIBLE.~~

3 (IV) A STRATEGY FOR OUTREACH AND DISTRIBUTION OF  
 4 VACCINES TO INDIVIDUALS WHO ARE NOT RECEIVING THE VACCINE, DUE TO EITHER  
 5 LACK OF ACCESS OR VACCINE HESITANCY.

6 (B) AFTER SUBMITTING THE COVID-19 VACCINE PLAN TO THE GENERAL  
 7 ASSEMBLY AS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, THE  
 8 DEPARTMENT SHALL PROVIDE WEEKLY PROGRESS REPORTS ON IMPLEMENTATION  
 9 OF THE COVID-19 VACCINE PLAN TO THE GENERAL ASSEMBLY FOR THE DURATION  
 10 OF CALENDAR YEAR 2021.

11 (C) THE COVID-19 VACCINE PLAN AND PROGRESS REPORTS REQUIRED  
 12 UNDER THIS SECTION SHALL BE SUBMITTED TO THE GENERAL ASSEMBLY IN  
 13 ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE.

14 18-9A-04.

15 (A) THE DEPARTMENT SHALL CONVENE A MARYLAND PUBLIC HEALTH  
 16 ~~INFRASTRUCTURE~~ MODERNIZATION WORKGROUP.

17 (B) THE WORKGROUP SHALL INCLUDE: REPRESENTATIVES OF THE  
 18 DEPARTMENT, LOCAL HEALTH DEPARTMENTS, SUBJECT MATTER EXPERTS, AND ANY  
 19 OTHER RELEVANT STAKEHOLDERS.

20 ~~(1) TWO MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY~~  
 21 ~~THE PRESIDENT OF THE SENATE;~~

22 ~~(2) TWO MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY~~  
 23 ~~THE SPEAKER OF THE HOUSE; AND~~

24 ~~(3) A REPRESENTATIVE FROM THE DEPARTMENT OF BUDGET AND~~  
 25 ~~MANAGEMENT; AND~~

26 ~~(3) (4) REPRESENTATIVES OF THE DEPARTMENT, LOCAL HEALTH~~  
 27 ~~DEPARTMENTS, SUBJECT MATTER EXPERTS, AND ANY OTHER RELEVANT~~  
 28 ~~STAKEHOLDERS.~~

29 (C) THE WORKGROUP SHALL:

30 (1) ASSESS THE CURRENT PUBLIC HEALTH INFRASTRUCTURE AND  
 31 RESOURCES IN THE STATE; ~~AND~~

1           **(2) MAKE RECOMMENDATIONS FOR HOW TO ESTABLISH A MODERN**  
 2 **AND EFFECTIVE PUBLIC HEALTH SYSTEM WITH A CAPACITY TO ~~MONITOR~~:**

3                   **(I) MONITOR, PREVENT, CONTROL, AND MITIGATE THE**  
 4 **SPREAD OF INFECTIOUS DISEASE; AND**

5                   **(II) ACHIEVE STATE HEALTH IMPROVEMENT PROCESS GOALS;**

6                   **(3) MAKE RECOMMENDATIONS REGARDING THE ESTABLISHMENT OF**  
 7 **A MARYLAND PUBLIC HEALTH JOBS CORPS TO RESPOND TO THE OUTBREAK OF**  
 8 **COVID-19 OR SIMILAR OUTBREAKS; AND**

9                   **(4) CONSIDER, WHERE APPROPRIATE, THE USE OF FEDERAL FUNDS**  
 10 **TO IMPLEMENT ANY RECOMMENDATIONS MADE UNDER THIS SUBSECTION.**

11           **(D) ON OR BEFORE DECEMBER 1, 2021, THE DEPARTMENT SHALL SUBMIT**  
 12 **A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE**  
 13 **STATE GOVERNMENT ARTICLE, THAT INCLUDES THE FINDINGS AND**  
 14 **RECOMMENDATIONS OF THE WORKGROUP ESTABLISHED UNDER THIS SECTION.**

15                                   ***Chapter 365 of the Acts of 2020***

16                   ***SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect [July***  
 17 ***1, 2021] JANUARY 1, 2022.***

18           SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as  
 19 follows:

20                                   **Article – Education**

21                                   **SUBTITLE 17. COVID-19 TESTING PLAN.**

22           **11-1701.**

23           **(A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
 24 **INDICATED.**

25           **(B) “COVID-19” MEANS, INTERCHANGEABLY AND COLLECTIVELY, THE**  
 26 **CORONAVIRUS KNOWN AS COVID-19 OR 2019-NCOV AND THE SARS-CoV-2**  
 27 **VIRUS.**

28           **(C) “COVID-19 TEST” MEANS ~~A FEDERAL FOOD AND DRUG~~**  
 29 **~~ADMINISTRATION APPROVED MOLECULAR POLYMERASE CHAIN REACTION (PCR)~~**  
 30 **~~TEST OR AN ANTIGEN TEST FOR THE DETECTION OR DIAGNOSIS OF COVID-19 AN~~**

1 IN VITRO DIAGNOSTIC TEST FOR THE DETECTION OF SARS-CoV-2 OR THE  
 2 DIAGNOSIS OF THE VIRUS THAT CAUSES COVID-19, AS DESCRIBED IN § 3201 OF  
 3 THE FEDERAL CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES)  
 4 ACT.

5 11-1702.

6 (A) FOR CALENDAR YEAR 2021, AN INSTITUTION OF HIGHER EDUCATION  
 7 ~~THAT HAS RESIDENCE HALLS FOR STUDENTS SHALL ADOPT AND IMPLEMENT A~~  
 8 ~~COVID-19 TESTING PLAN TO MONITOR, PREVENT, AND MITIGATE THE SPREAD OF~~  
 9 ~~COVID-19 AMONG STUDENTS AND STAFF AT THE INSTITUTION OF HIGHER~~  
 10 ~~EDUCATION~~ ESTABLISH A COVID-19 SECURITY PLAN THAT INCLUDES BOTH  
 11 SCREENING AND TESTING PROCEDURES THAT WILL KEEP STUDENTS, FACULTY, AND  
 12 STAFF SAFE WHILE ON CAMPUS FOR FACE-TO-FACE INSTRUCTION DURING THE  
 13 PANDEMIC.

14 (B) ~~THE COVID-19 TESTING PLAN REQUIRED UNDER SUBSECTION (A) OF~~  
 15 ~~THIS SECTION SHALL INCLUDE A REQUIREMENT THAT ANY STUDENT OF THE~~  
 16 ~~INSTITUTION OF HIGHER EDUCATION BE TESTED FOR COVID-19 AND PROVIDE TO~~  
 17 ~~THE INSTITUTION OF HIGHER EDUCATION CONFIRMATION OF A NEGATIVE~~  
 18 ~~COVID-19 TEST RESULT BEFORE:~~

19 (1) ~~COMMENCING IN PERSON CLASS ATTENDANCE AT THE~~  
 20 ~~INSTITUTION OF HIGHER EDUCATION; OR~~

21 (2) ~~RETURNING TO THE CAMPUS OF THE INSTITUTION OF HIGHER~~  
 22 ~~EDUCATION TO RESIDE IN HOUSING OWNED BY THE INSTITUTION OF HIGHER~~  
 23 ~~EDUCATION~~ BE POSTED ON THE WEBSITE OF THE INSTITUTION OF HIGHER  
 24 EDUCATION AND MADE AVAILABLE TO THE PUBLIC.

25 Article - Health - General

26 16-201.5.

27 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
 28 INDICATED.

29 (2) "PROVIDER" MEANS A PROVIDER OF NURSING HOME SERVICES.

30 (3) "RATE" MEANS THE REIMBURSEMENT RATE PAID BY THE  
 31 DEPARTMENT TO PROVIDERS OF NURSING HOME SERVICES FROM THE GENERAL  
 32 FUND OF THE STATE, MARYLAND MEDICAL ASSISTANCE PROGRAM FUNDS, OTHER  
 33 STATE OR FEDERAL FUNDS, OR A COMBINATION OF THESE FUNDS.

1 (B) (1) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT:

2 ~~(1) THE~~ THE GOVERNOR INCLUDE ADDITIONAL FUNDING IN THE  
3 BUDGET OF UP TO \$5,500,000 IN FISCAL YEAR 2021 AND \$22,000,000 IN FISCAL  
4 YEAR 2022 TO COVER THE COST OF COVID-19 TESTING OF NURSING HOME STAFF  
5 AND RESIDENTS DURING CALENDAR YEAR 2021;~~AND.~~

6 (2) THE ADDITIONAL FUNDING PROVIDED UNDER ~~ITEM~~ PARAGRAPH  
7 (1) OF THIS SUBSECTION SHALL BE IN ADDITION TO ANY OTHER PROVIDER RATE  
8 INCREASES INCLUDED IN THE BUDGET FOR FISCAL YEARS 2021 AND 2022.

9 (3) ANY FUNDING PROVIDED IN ACCORDANCE WITH PARAGRAPH (1)  
10 OF THIS SUBSECTION SHALL CONSIST ONLY OF FEDERAL FUNDING ALLOCATED TO  
11 THE STATE UNDER THE CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL  
12 APPROPRIATIONS ACT AND ANY OTHER FEDERAL LEGISLATION ENACTED IN  
13 CALENDAR YEARS 2020 THROUGH 2022 TO PROVIDE FUNDING REQUIRED UNDER  
14 THIS SUBSECTION.

15 19-411.

16 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
17 INDICATED.

18 (2) "COVID-19" MEANS, INTERCHANGEABLY AND COLLECTIVELY,  
19 THE CORONAVIRUS KNOWN AS COVID-19 OR 2019-nCoV AND THE SARS-CoV-2  
20 VIRUS.

21 (3) "COVID-19 TEST" MEANS ~~A FEDERAL FOOD AND DRUG~~  
22 ~~ADMINISTRATION APPROVED MOLECULAR POLYMERASE CHAIN REACTION (PCR)~~  
23 ~~TEST OR AN ANTIGEN TEST FOR THE DETECTION OR DIAGNOSIS OF COVID-19~~ AN  
24 IN VITRO DIAGNOSTIC TEST FOR THE DETECTION OF SARS-CoV-2 OR THE  
25 DIAGNOSIS OF THE VIRUS THAT CAUSES COVID-19, AS DESCRIBED IN § 3201 OF  
26 THE FEDERAL CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES)  
27 ACT.

28 (B) FOR CALENDAR YEARS 2021 AND 2022, A HOME HEALTH AGENCY SHALL  
29 ADOPT AND IMPLEMENT A COVID-19 ~~TESTING~~ INFECTION CONTROL AND  
30 PREVENTION PLAN FOR PATIENTS AND STAFF WHO PROVIDE HOME HEALTH CARE  
31 SERVICES TO PATIENTS OF THE HOME HEALTH AGENCY.

32 (C) (1) ~~THE COVID-19 TESTING PLAN SHALL ENSURE~~ PLAN REQUIRED  
33 UNDER SUBSECTION (B) OF THIS SECTION SHALL:

1 (I) BE ADOPTED AND IMPLEMENTED IN ACCORDANCE WITH  
 2 ANY APPLICABLE FEDERAL ORDERS AND GUIDANCE; AND

3 (II) ENSURE THAT PATIENTS AND STAFF WHO PROVIDE HOME  
 4 HEALTH CARE SERVICES TO PATIENTS OF THE HOME HEALTH AGENCY ARE TESTED  
 5 SCREENED FOR COVID-19 ON A REGULAR BASIS AND AT A FREQUENCY THAT IS  
 6 SUFFICIENT TO TESTED OR REFERRED FOR TESTING FOR COVID-19, IF REQUIRED  
 7 OR RECOMMENDED UNDER APPLICABLE FEDERAL ORDERS OR GUIDANCE, TO  
 8 CONTROL AND PREVENT THE SPREAD OF COVID-19 AMONG STAFF AND PATIENTS  
 9 OF THE HOME HEALTH AGENCY.

10 (2) THE SCREENING REQUIRED UNDER PARAGRAPH (1) OF THIS  
 11 SUBSECTION SHALL INCLUDE REPORTING TO THE HOME HEALTH AGENCY OF ANY:

12 (I) SYMPTOMS RELATED TO COVID-19 EXPERIENCED BY  
 13 PATIENTS AND STAFF; AND

14 (II) KNOWN EXPOSURES OF PATIENTS AND STAFF TO  
 15 INDIVIDUALS WHO HAVE BEEN DIAGNOSED WITH COVID-19.

16 ~~(D) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT SET~~  
 17 ~~STANDARDS FOR A COVID-19 TESTING PLAN REQUIRED UNDER THIS SECTION.~~

18 ~~(2) THE STANDARDS SET BY THE DEPARTMENT UNDER THIS~~  
 19 ~~SUBSECTION SHALL:~~

20 ~~(I) BE GUIDED BY APPLICABLE FEDERAL ORDERS AND~~  
 21 ~~POLICIES; AND~~

22 ~~(II) INCLUDE REQUIREMENTS FOR TESTING FREQUENCY THAT~~  
 23 ~~ARE REASONABLY RELATED TO THE COVID-19 TESTING POSITIVITY RATE IN THE~~  
 24 ~~LOCAL JURISDICTION IN WHICH THE HOME HEALTH CARE SERVICES ARE PROVIDED~~  
 25 ~~TO PATIENTS.~~

26 (D) A HOME HEALTH AGENCY SHALL PROVIDE THE PLAN REQUIRED UNDER  
 27 SUBSECTION (B) OF THIS SECTION TO:

28 (1) PATIENTS AND STAFF; AND

29 (2) MEMBERS OF THE PUBLIC ON REQUEST.

30 SUBTITLE 14C. COVID-19 TESTING PLAN.

1 **19-14C-01.**

2 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
3 INDICATED.

4 (B) "COVID-19" MEANS, INTERCHANGEABLY AND COLLECTIVELY, THE  
5 CORONAVIRUS KNOWN AS COVID-19 OR 2019-nCoV AND THE SARS-CoV-2  
6 VIRUS.

7 (C) "COVID-19 TEST" MEANS ~~A FEDERAL FOOD AND DRUG~~  
8 ~~ADMINISTRATION APPROVED MOLECULAR POLYMERASE CHAIN REACTION (PCR)~~  
9 ~~TEST OR AN ANTIGEN TEST FOR THE DETECTION OR DIAGNOSIS OF COVID-19~~ AN  
10 IN VITRO DIAGNOSTIC TEST FOR THE DETECTION OF SARS-CoV-2 OR THE  
11 DIAGNOSIS OF THE VIRUS THAT CAUSES COVID-19, AS DESCRIBED IN § 3201 OF  
12 THE FEDERAL CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES)  
13 ACT.

14 **19-14C-02.**

15 (A) FOR CALENDAR YEARS 2021 AND 2022, A NURSING HOME SHALL ADOPT  
16 AND IMPLEMENT A COVID-19 TESTING PLAN FOR RESIDENTS OF THE NURSING  
17 HOME AND STAFF WHO PROVIDE SERVICES TO RESIDENTS OF THE NURSING HOME.

18 (B) THE COVID-19 TESTING PLAN SHALL ENSURE THAT RESIDENTS AND  
19 STAFF ARE TESTED FOR COVID-19 ON A REGULAR BASIS AND AT A FREQUENCY  
20 THAT IS SUFFICIENT TO PREVENT THE SPREAD OF COVID-19 AMONG RESIDENTS  
21 AND STAFF OF THE NURSING HOME.

22 (C) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT SET  
23 STANDARDS FOR A COVID-19 TESTING PLAN REQUIRED UNDER THIS SECTION.

24 (2) THE STANDARDS SET BY THE DEPARTMENT UNDER THIS  
25 SUBSECTION SHALL:

26 (i) BE GUIDED BY APPLICABLE FEDERAL ORDERS AND  
27 POLICIES; AND

28 (ii) INCLUDE REQUIREMENTS FOR TESTING FREQUENCY THAT  
29 ARE REASONABLY RELATED TO THE COVID-19 TESTING POSITIVITY RATE IN THE  
30 LOCAL JURISDICTION IN WHICH A NURSING HOME IS LOCATED.

31 **19-1814.**

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

3 (2) "COVID-19" MEANS, INTERCHANGEABLY AND COLLECTIVELY,  
4 THE CORONAVIRUS KNOWN AS COVID-19 OR 2019-nCoV AND THE SARS-CoV-2  
5 VIRUS.

6 (3) "COVID-19 TEST" MEANS ~~A FEDERAL FOOD AND DRUG~~  
7 ~~ADMINISTRATION APPROVED MOLECULAR POLYMERASE CHAIN REACTION (PCR)~~  
8 ~~TEST OR AN ANTIGEN TEST FOR THE DETECTION OR DIAGNOSIS OF COVID-19~~ AN  
9 IN VITRO DIAGNOSTIC TEST FOR THE DETECTION OF SARS-CoV-2 OR THE  
10 DIAGNOSIS OF THE VIRUS THAT CAUSES COVID-19, AS DESCRIBED IN § 3201 OF  
11 THE FEDERAL CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES)  
12 ACT.

13 (B) FOR CALENDAR YEARS 2021 AND 2022, AN ASSISTED LIVING PROGRAM  
14 SHALL ADOPT AND IMPLEMENT A COVID-19 TESTING PLAN FOR RESIDENTS OF THE  
15 ASSISTED LIVING PROGRAM AND STAFF WHO PROVIDE SERVICES TO RESIDENTS OF  
16 THE ASSISTED LIVING PROGRAM.

17 (C) THE COVID-19 TESTING PLAN SHALL ENSURE THAT RESIDENTS AND  
18 STAFF ARE TESTED FOR COVID-19 ON A REGULAR BASIS AND AT A FREQUENCY  
19 THAT IS SUFFICIENT TO PREVENT THE SPREAD OF COVID-19 AMONG RESIDENTS  
20 AND STAFF OF THE ASSISTED LIVING PROGRAM.

21 (D) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT SET  
22 STANDARDS FOR A COVID-19 TESTING PLAN REQUIRED UNDER THIS SECTION.

23 (2) THE STANDARDS SET BY THE DEPARTMENT UNDER THIS  
24 SUBSECTION SHALL:

25 (I) BE GUIDED BY APPLICABLE FEDERAL ORDERS AND  
26 POLICIES; AND

27 (II) INCLUDE REQUIREMENTS FOR TESTING FREQUENCY THAT  
28 ARE REASONABLY RELATED TO THE COVID-19 TESTING POSITIVITY RATE IN THE  
29 LOCAL JURISDICTION IN WHICH AN ASSISTED LIVING PROGRAM IS LOCATED.

30 Article - Insurance

31 15-856.



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

3 (2) “COVID-19” MEANS, INTERCHANGEABLY AND COLLECTIVELY,  
4 THE CORONAVIRUS KNOWN AS COVID-19 OR 2019-nCoV AND THE SARS-CoV-2  
5 VIRUS.

6 (3) (I) “COVID-19 TEST” MEANS ~~A FEDERAL FOOD AND DRUG~~  
7 ~~ADMINISTRATION APPROVED MOLECULAR POLYMERASE CHAIN REACTION (PCR)~~  
8 ~~TEST OR AN ANTIGEN TEST FOR THE DETECTION OR DIAGNOSIS OF COVID-19~~ AN  
9 IN VITRO DIAGNOSTIC TEST FOR THE DETECTION OF SARS-CoV-2 OR THE  
10 DIAGNOSIS OF THE VIRUS THAT CAUSES COVID-19, AS DESCRIBED IN § 3201 OF  
11 THE FEDERAL CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES)  
12 ACT.

13 (II) “COVID-19 TEST” INCLUDES A FEDERAL FOOD AND DRUG  
14 ADMINISTRATION-APPROVED, CLEARED, OR AUTHORIZED RAPID POINT-OF-CARE  
15 TEST AND AN AT-HOME COLLECTION TEST FOR THE DETECTION OR DIAGNOSIS OF  
16 COVID-19.

17 (4) “HEALTH BENEFIT PLAN”:

18 (I) FOR A SMALL EMPLOYER PLAN, HAS THE MEANING STATED  
19 IN § 15-1201 OF THIS TITLE; AND

20 (II) FOR AN INDIVIDUAL PLAN, HAS THE MEANING STATED IN §  
21 15-1301 OF THIS TITLE.

22 ~~(4)~~ (5) (I) “MEMBER” MEANS AN INDIVIDUAL ENTITLED TO  
23 HEALTH CARE BENEFITS UNDER A POLICY ISSUED OR DELIVERED IN THE STATE BY  
24 AN ENTITY SUBJECT TO THIS SECTION.

25 (II) “MEMBER” INCLUDES A SUBSCRIBER.

26 (B) (1) THIS SECTION APPLIES TO:

27 ~~(1)~~ (I) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT  
28 PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS  
29 ON AN EXPENSE-INCURRED BASIS UNDER HEALTH INSURANCE POLICIES OR  
30 CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

1           ~~(2)~~ (II) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE  
2 HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER  
3 CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

4           (2) THIS SECTION APPLIES TO EACH INDIVIDUAL AND SMALL  
5 EMPLOYER HEALTH BENEFIT PLAN THAT IS ISSUED OR DELIVERED IN THE STATE BY  
6 AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE  
7 ORGANIZATION, IRRESPECTIVE OF §§ 15-1207(D) AND 31-116 OF THIS ARTICLE.

8           (c) ~~(1)~~ AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE  
9 COVERAGE FOR COVID-19 TESTS AND ~~ASSOCIATED COSTS~~ RELATED ITEMS AND  
10 SERVICES FOR THE ADMINISTRATION OF COVID-19 TESTS, INCLUDING FACILITY  
11 FEES, HEALTH CARE PRACTITIONER FEES, AND EVALUATION OF THE MEMBER FOR  
12 PURPOSES OF DETERMINING THE NEED FOR THE COVID-19 TEST, AS REQUIRED BY  
13 THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT, THE CORONAVIRUS AID,  
14 RELIEF, AND ECONOMIC SECURITY (CARES) ACT, AND ANY APPLICABLE FEDERAL  
15 REGULATIONS OR GUIDANCE.

16           ~~(2) THE COVERAGE REQUIRED UNDER THIS SECTION SHALL BE~~  
17 ~~PROVIDED FOR A COVID-19 TEST:~~

18           ~~(i) 1. PRIMARILY INTENDED FOR INDIVIDUALIZED~~  
19 ~~DIAGNOSIS OR TREATMENT OF COVID-19 FOR THE MEMBER; OR~~

20           ~~2. TO KEEP THE MEMBER OR OTHERS WITH WHOM THE~~  
21 ~~MEMBER IS OR MAY BE IN FUTURE CONTACT FROM POTENTIAL EXPOSURE TO~~  
22 ~~COVID-19; AND~~

23           ~~(ii) REGARDLESS OF WHETHER THE MEMBER HAS SIGNS OR~~  
24 ~~SYMPTOMS COMPATIBLE WITH COVID-19 OR A SUSPECTED RECENT EXPOSURE TO~~  
25 ~~COVID-19 IF THE TESTING IS PERFORMED FOR A PURPOSE SPECIFIED UNDER ITEM~~  
26 ~~(i) OF THIS PARAGRAPH.~~

27           ~~(3) AN ENTITY SUBJECT TO THIS SECTION MAY NOT REQUIRE A~~  
28 ~~MEMBER TO OBTAIN A DETERMINATION FROM A HEALTH CARE PROVIDER THAT A~~  
29 ~~COVID-19 TEST IS MEDICALLY APPROPRIATE FOR THE MEMBER AS A CONDITION~~  
30 ~~FOR THE COVERAGE REQUIRED UNDER THIS SECTION.~~

31           ~~(4) (D)~~ AN ENTITY SUBJECT TO THIS SECTION MAY NOT APPLY A  
32 COPAYMENT, COINSURANCE REQUIREMENT, OR DEDUCTIBLE TO ~~THE COVERAGE~~  
33 ~~REQUIRED UNDER THIS SECTION~~ COVERAGE FOR COVID-19 TESTS AND RELATED  
34 ITEMS AND SERVICES FOR THE ADMINISTRATION OF COVID-19 TESTS.

1        SECTION 3. AND BE IT FURTHER ENACTED, That any funding appropriated for  
2 the implementation of this Act may consist only of federal funding allocated to the State  
3 under the federal Coronavirus Response and Relief Supplemental Appropriations Act and  
4 any other federal legislation enacted in calendar years 2020 through 2022. Any federal  
5 funding appropriated under this Act for vaccine distribution, testing, or contact tracing shall  
6 be limited to funding specifically allocated for those purposes under the Coronavirus Aid,  
7 Relief, and Economic Security Act, the Consolidated Appropriations Act, or the American  
8 Rescue Plan Act of 2021 except to the extent other funding is provided for these purposes by  
9 the Governor.

10        ~~SECTION 3.~~ SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
11 apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the  
12 State on or after the effective date of this Act.

13        ~~SECTION 4.~~ SECTION 5. AND BE IT FURTHER ENACTED, That this Act is an emergency  
14 measure, is necessary for the immediate preservation of the public health or safety, has  
15 been passed by a ye and nay vote supported by three-fifths of all the members elected to  
16 each of the two Houses of the General Assembly, and shall take effect from the date it is  
17 enacted. Section 2 of this Act shall remain effective through December 31, 2022, and, at the  
18 end of December 31, 2022, Section 2 of this Act, with no further action required by the  
19 General Assembly, shall be abrogated and of no further force and effect.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.