

Chapter 517

(Senate Bill 568)

AN ACT concerning

Health Records and Reporting of Overdoses – Limitations on Use in Criminal Investigation or Prosecution

FOR the purpose of prohibiting certain overdose information reported by an emergency medical services provider or the Maryland Institute for Emergency Medical Services Systems from being obtained by a law enforcement officer as part of a criminal investigation or prosecution; and generally relating to health records and the reporting of overdose information.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 4–306(a)
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 4–306(b)(7) and 13–3602
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

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

Article – Health – General

4–306.

(a) In this section, “compulsory process” includes a subpoena, summons, warrant, or court order that appears on its face to have been issued on lawful authority.

(b) A health care provider shall disclose a medical record without the authorization of a person in interest:

(7) Subject to the additional limitations for a medical record developed primarily in connection with the provision of mental health services in § 4–307 of this subtitle, **AND THE LIMITATIONS ON PATIENT OVERDOSE INFORMATION UNDER § 13–3602(E) OF THIS ARTICLE**, to grand juries, prosecution agencies, law enforcement agencies or their agents or employees to further an investigation or prosecution, pursuant to a subpoena, warrant, or court order for the sole purposes of investigating and prosecuting

criminal activity, provided that the prosecution agencies and law enforcement agencies have written procedures to protect the confidentiality of the records;

13–3602.

(a) An emergency medical services provider or a law enforcement officer who treats and releases or transports to a medical facility an individual experiencing a suspected or an actual overdose may report the incident using an appropriate information technology platform with secure access, including the Washington/Baltimore High Intensity Drug Trafficking Area overdose detection mapping application program, or any other program operated by the federal government or a unit of State or local government.

(b) A report of an overdose made under this section shall include:

- (1) The date and time of the overdose;
- (2) The approximate address where the overdose victim was initially encountered or where the overdose occurred;
- (3) Whether an opioid overdose reversal drug was administered; and
- (4) Whether the overdose was fatal or nonfatal.

(c) If an emergency medical services provider or a law enforcement officer reports an overdose under this section, the emergency medical services provider or law enforcement officer making the report shall make best efforts to make the report within 24 hours after responding to the incident.

(d) On receipt of a patient care report that indicates an overdose, the Maryland Institute for Emergency Medical Services Systems shall report the information listed under subsection (b) of this section to an appropriate information technology platform with secure access, including the Washington/Baltimore High Intensity Drug Trafficking Area overdose detection mapping application, or any other program operated by the federal government or a unit of State or local government.

(e) Overdose information reported by an emergency medical services provider under subsection (a) of this section or by the Maryland Institute for Emergency Medical Services Systems under subsection (d) of this section may not be [used]:

- (1) **USED** for a criminal investigation or prosecution; **OR**
- (2) **OBTAINED BY A LAW ENFORCEMENT OFFICER AS PART OF A CRIMINAL INVESTIGATION OR PROSECUTION.**

(f) An emergency medical services provider or a law enforcement officer who in good faith makes a report under this section shall be immune from criminal liability for

making the report.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.